ORIGINAL

(1)

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

YODLEE, INC., Plaintiff, v. BLOCK FINANCIAL CORPORATION, H&R BLOCK GROUP, INC., Defendants.	03-600 - Civil Action No. JURY TRIAL DEMANDED

COMPLAINT

For its Complaint against Defendants Block Financial Corporation ("Block Financial") and H&R Block Group, Inc. ("H&R Block"), Plaintiff Yodlee, Inc. ("Yodlee") alleges as follows:

THE PARTIES

1. Yodlee is a corporation organized and existing under the laws of the State of Delaware having its principal place of business at 3600 Bridge Parkway, Suite 200, Redwood City, California 94065-1170.

2. Upon information and belief, Block Financial is a corporation organized and existing under the laws of the State of Delaware having its principal place of business at 4400 Main Street, Kansas City, Missouri 64111-1812.

3. Upon information and belief, H&R Block is a corporation organized and existing under the laws of Delaware having its principal place of business at 4400 Main Street, Kansas City, Missouri 64111-1812.

JURISDICTION AND VENUE

4. This is an action for patent infringement arising under the patent laws of the United States, Title 35, United States Code. This Court has jurisdiction over the

causes of action stated herein pursuant to 35 U.S.C. § 101 et seq. and 28 U.S.C. §§ 1331 and 1338(a).

5. Venue is proper in this District pursuant to 28 U.S.C. §§ 1391(b), (c), and 1400(b).

THE PATENT

6. Yodlee is the owner of all right, title, and interest in and to United States Patent No. 6,317,783 (the "'783 patent"), entitled "Apparatus and Methods for Automated Aggregation and Delivery of and Transactions Involving Electronic Personal Information or Data," which was duly and legally issued by the United States Patent and Trademark Office on November 13, 2001. A copy of the '783 patent is attached hereto as Exhibit A.

COUNT ONE: INFRINGEMENT OF THE '783 PATENT

7. Yodlee incorporates by reference and realleges paragraphs 1 through 6 above as if fully set forth herein.

8. Block Financial and H&R Block have infringed and continue to infringe one or more claims of the '783 patent by making, using, offering for sale, and selling in the United States tax-preparation software which embodies the claimed inventions of the '783 patent, including but not limited to software and services for the on-line preparation of individual tax returns over the internet.

9. Block Financial and H&R Block have induced and continue to induce others to infringe, and/or have committed and continue to commit acts of contributory infringement of one or more claims of the '783 patent.

10. On information and belief, Block Financial and H&R Block have had and continue to have knowledge of the '783 patent.

11. Upon information and belief, Block Financial's and H&R Block's acts of infringement as set forth in the previous paragraphs have been willful and in reckless disregard of Yodlee's patent rights.

12. As a result of Block Financial's and H&R Block's infringement, Yodlee has suffered monetary damages in an amount not yet determined, and will continue to suffer damages in the future unless Block Financial's and H&R Block's infringing activities are enjoined by this Court.

13. Yodlee is entitled to damages adequate to compensate for the infringement, but in no event less than a reasonable royalty for the use made of the inventions by Block Financial and H&R Block.

14. Unless preliminary and permanent injunctions are issued enjoining Block Financial and H&R Block, their agents, servants, employees, attorneys, representatives, and all others acting on their behalf from infringing the '783 patent, Yodlee will be greatly and irreparably harmed.

PRAYER FOR RELIEF

WHEREFORE, Yodlee prays for judgment against Block Financial and H&R Block as follows:

(a) That Block Financial and H&R Block have infringed the '783 patent;

(b) That Block Financial's and H&R Block's infringement has been willful;

(c) Awarding Yodlee damages for Block Financial's and H&R Block's infringement;

(d) Trebling the damages award for infringement because of the willful nature of the infringement in accordance with 35 U.S.C. § 284;

(e) Preliminarily and permanently enjoining Block Financial and H&R Block, their officers, agents, servants, employees, and attorneys, and all those persons in active concert or participation with them, from infringing the '783 patent;

(f) Declaring this an exceptional case under 35 U.S.C. § 285 and awarding Yodlee its costs, expenses and attorneys fees in this action; and

(g) Awarding Yodlee such further relief as this Court may deem proper.

JURY TRIAL

Yodlee hereby demands a trial by jury of all issues in this action.

Dated: June 25, 2003

FISH & RICHARDSON P.C.

By: ______________________

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RULE 7.1 CERTIFICATE

Yodlee Inc. provides the following information pursuant to Fed. R. Civ. P. 7.1.

Yodlee, Inc. has no parent corporations and the only publicly held corporation that owns 10% or more of the stock of Yodlee, Inc. is S1 Corporation.

William J. Marsden, Jr.

USC 17783B1

(12) **United States Patent**
Freishtat et al.

(10) **Patent No.:** **US 6,317,783 B1**
(45) **Date of Patent:** **Nov. 13, 2001**

(54) **APPARATUS AND METHODS FOR AUTOMATED AGGREGATION AND DELIVERY OF AND TRANSACTIONS INVOLVING ELECTRONIC PERSONAL INFORMATION OR DATA**

(75) Inventors: **Gregg Freishtat; Palaniswamy Rajan**, both of Atlanta, GA (US)

(73) Assignee: **Verticalone Corporation**, Atlanta, GA (US)

(*) Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 0 days.

(21) Appl. No.: **09/428,511**

(22) Filed: **Oct. 27, 1999**

Related U.S. Application Data

(60) Provisional application No. 60/105,917, filed on Oct. 28, 1998, and provisional application No. 60/134,395, filed on May 17, 1999.

(51) **Int. Cl.**^{7} **G06F 13/00**
(52) **U.S. Cl.** **709/218**; 707/10
(58) **Field of Search** 707/10; 709/217, 709/218

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Primary Examiner—Kenneth R. Coulter
(74) *Attorney, Agent, or Firm*—Needle & Rosenberg. P.C.

(57) **ABSTRACT**

A system for delivering personal information according to the present invention includes a user store including end user data, a provider store including information provider data, a personal information store including personal information and a processor that communicates with these data stores. The processor selects an end user for personal infonmation aggregation. The processor connects with one or more information providers. The processor then proceeds to retrieve personal information for the selected end user from the connected information providers. This retrieval is based on end user data associated with the selected end user and provider data associated with the connected information providers. The retrieved personal information is stored in the personal information store.

36 Claims, 11 Drawing Sheets

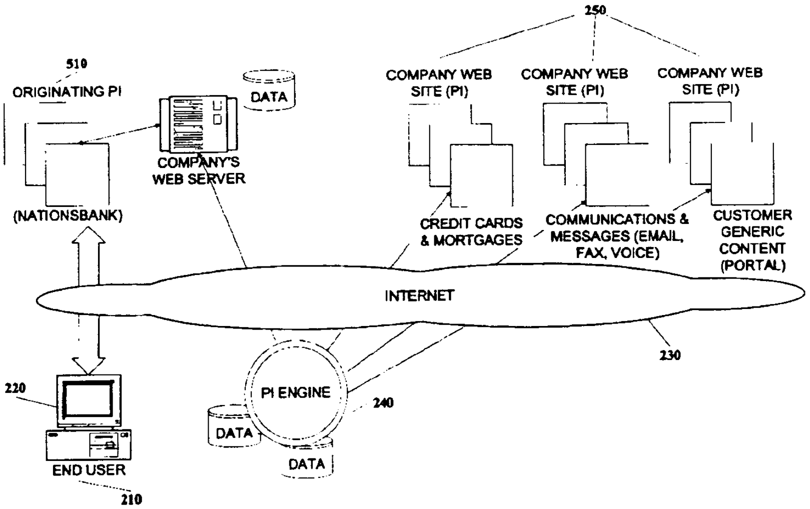

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Figure 1
(Prior Art)

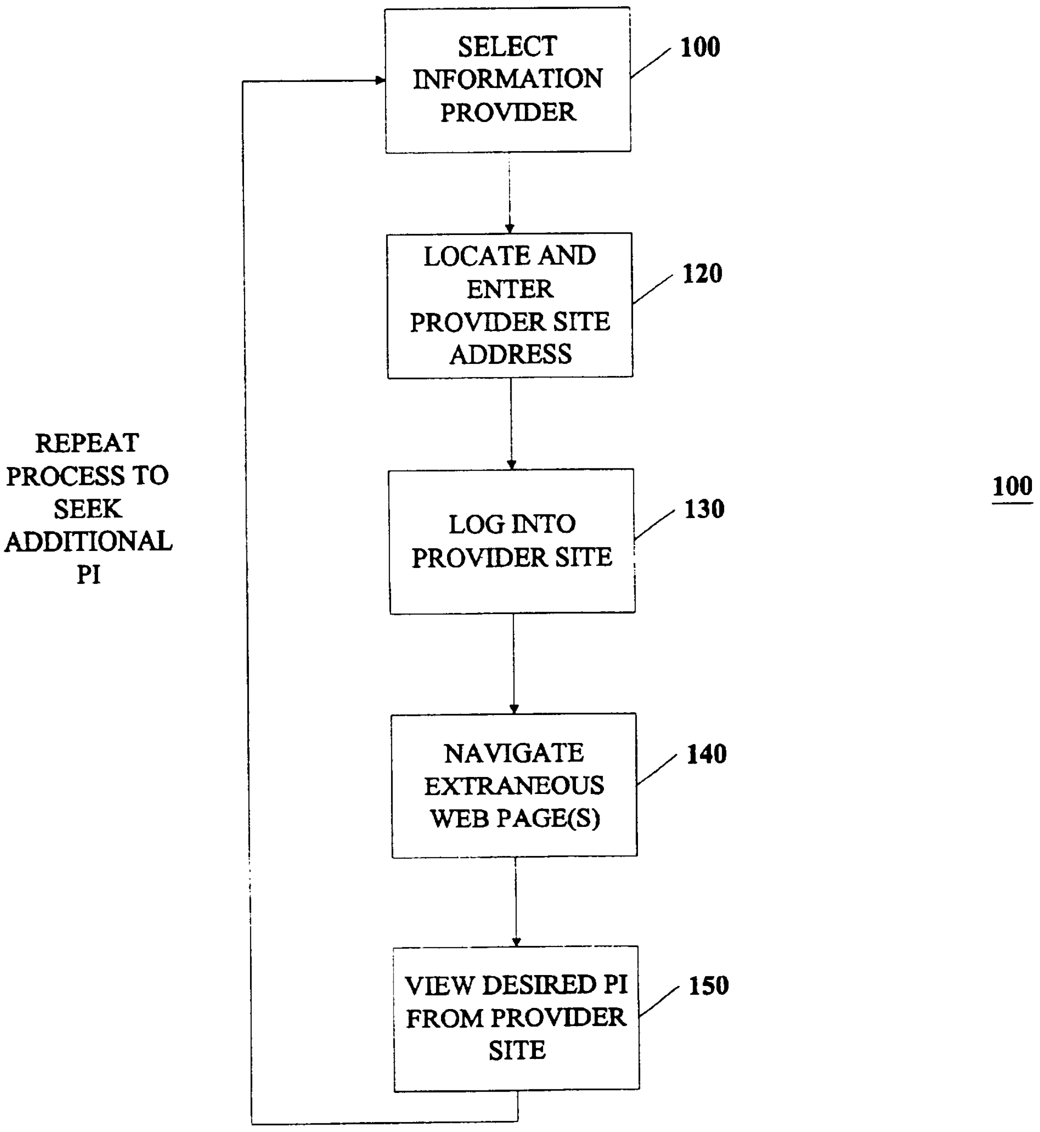
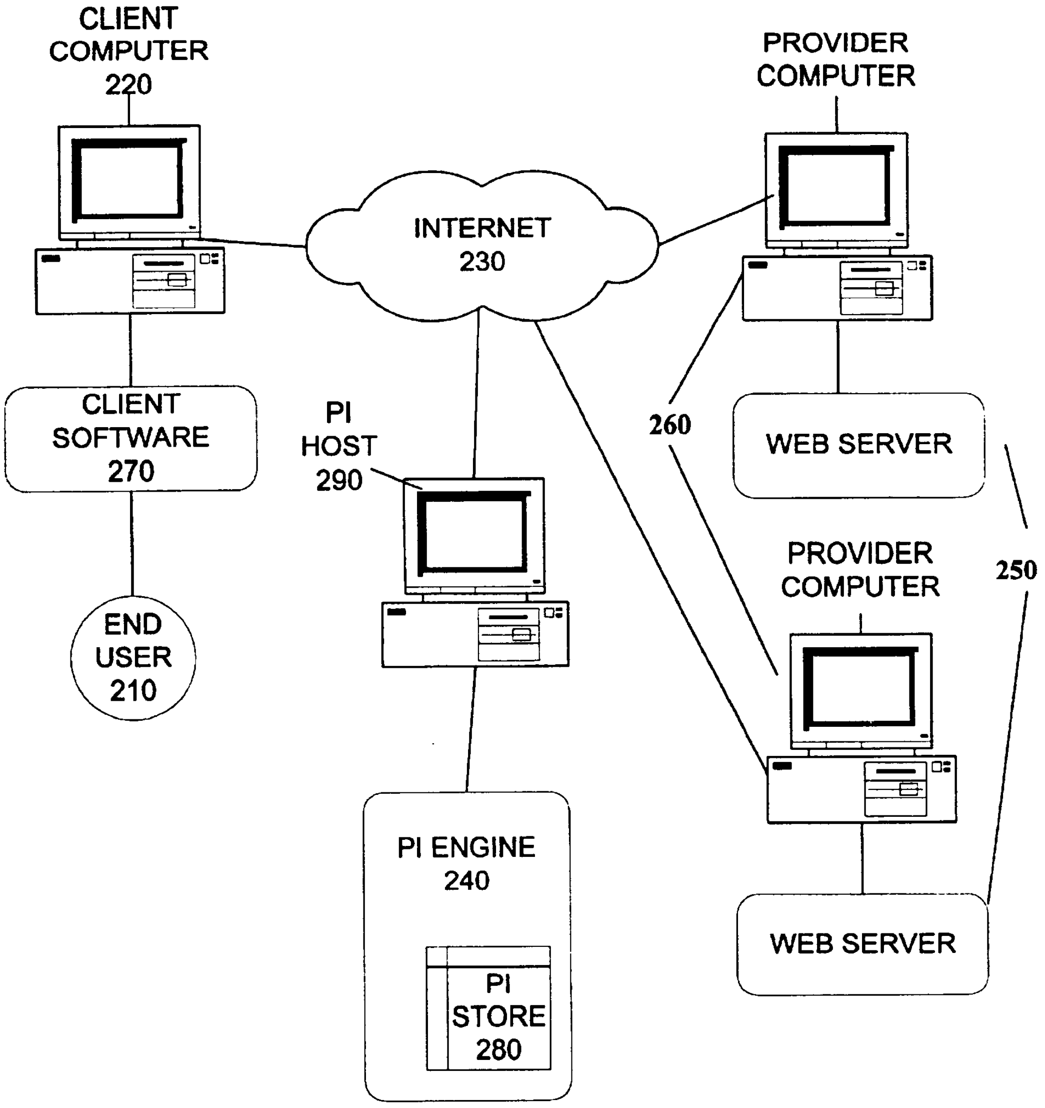

SELECT INFORMATION PROVIDER
100
LOCATE AND ENTER PROVIDER SITE ADDRESS
120
LOG INTO PROVIDER SITE
130
NAVIGATE EXTRANEOUS WEB PAGE(S)
140
VIEW DESIRED PI FROM PROVIDER SITE
150
REPEAT PROCESS TO SEEK ADDITIONAL PI
100

Figure 2



CLIENT COMPUTER 220
PROVIDER COMPUTER
INTERNET 230
CLIENT SOFTWARE 270
PI HOST 290
260
WEB SERVER
PROVIDER COMPUTER
250
END USER 210
PI ENGINE 240
PI STORE 280
WEB SERVER

Figure 3
240

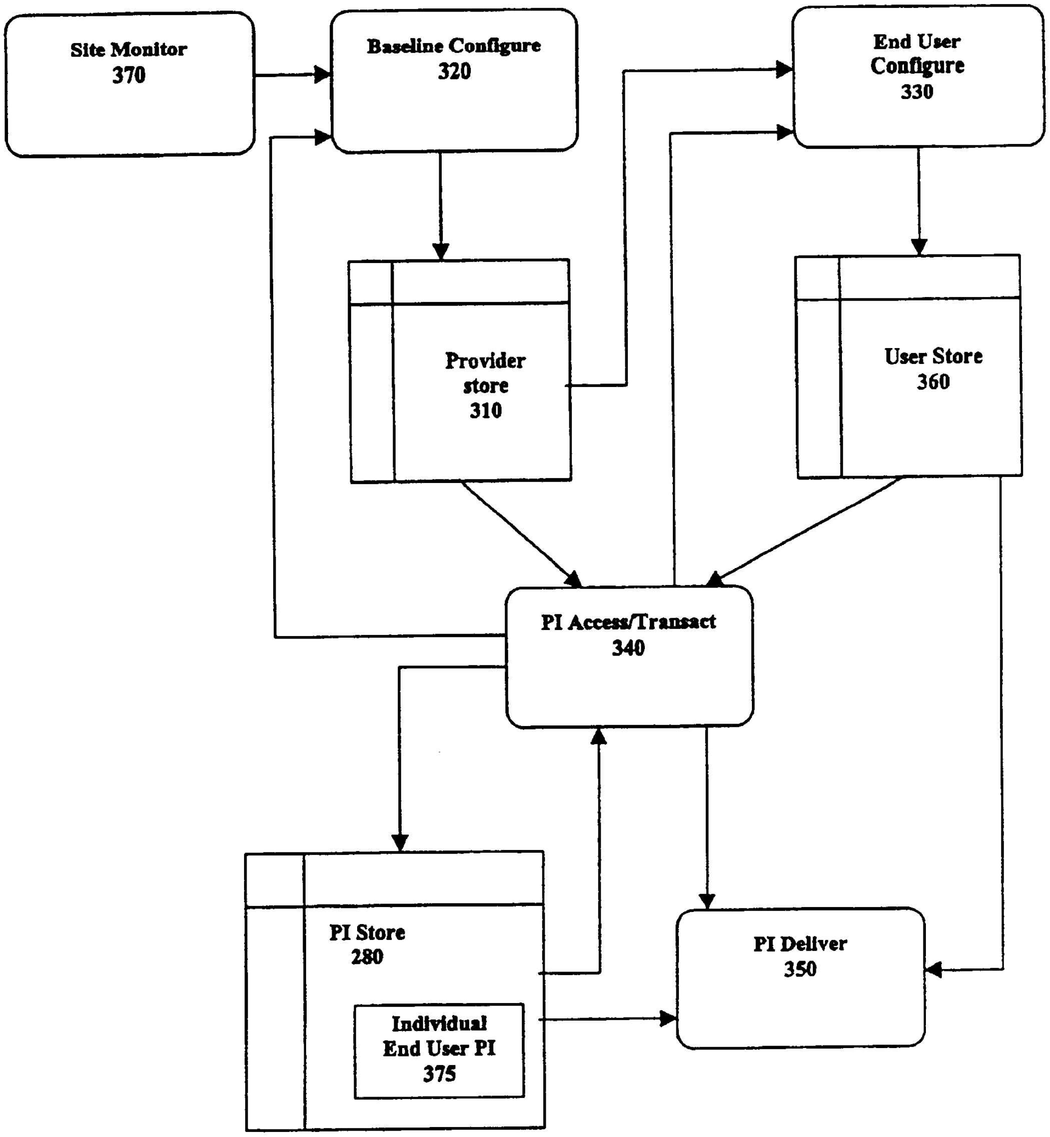

Site Monitor
370
Baseline Configure
320
End User
Configure
330
Provider
store
310
User Store
360
PI Access/Transact
340
PI Store
280
Individual
End User PI
375
PI Deliver
350

Figure 4
(Prior Art)

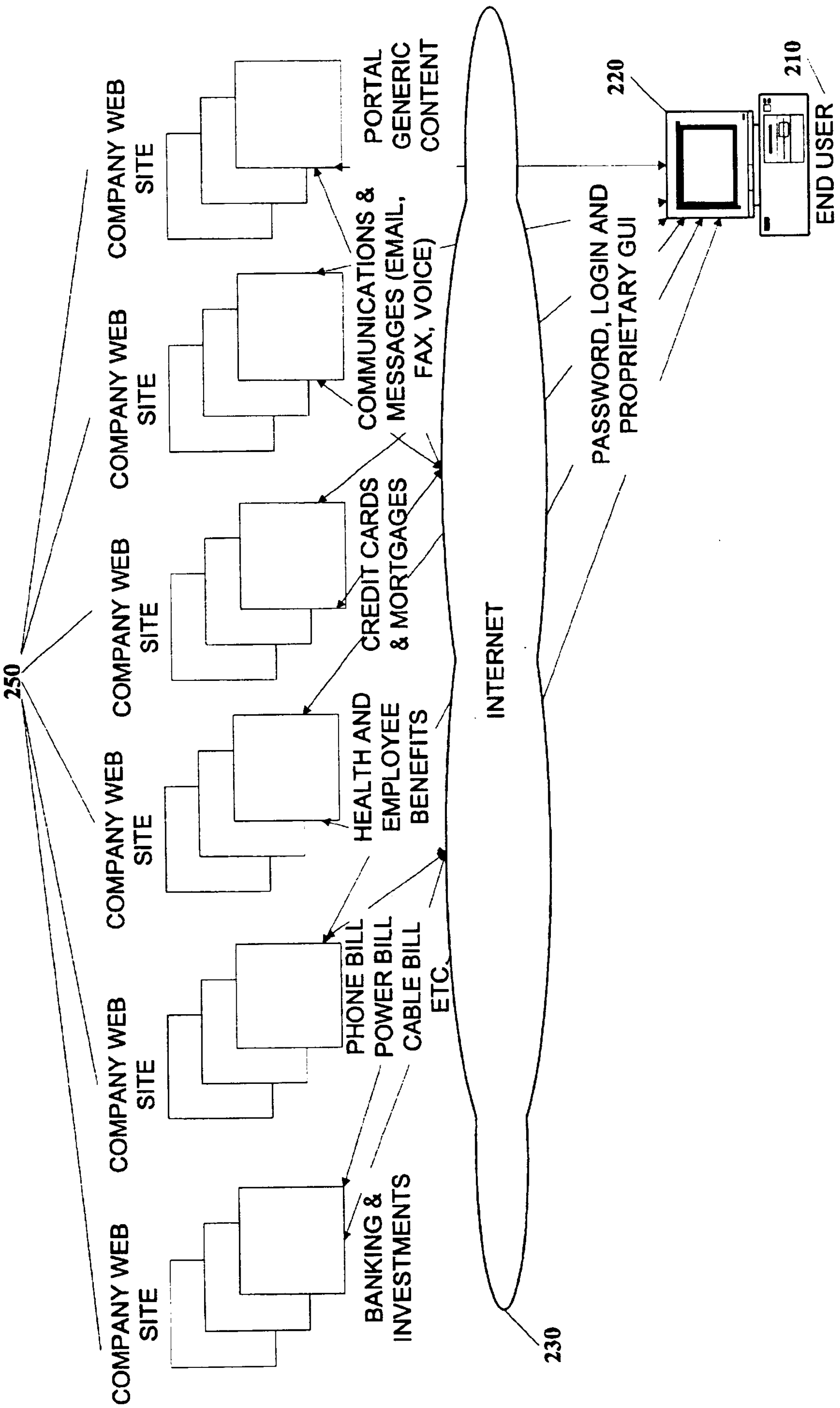

250
COMPANY WEB SITE
COMPANY WEB SITE
COMPANY WEB SITE
COMPANY WEB SITE
COMPANY WEB SITE
COMPANY WEB SITE
PORTAL GENERIC CONTENT
COMMUNICATIONS & MESSAGES (EMAIL, FAX, VOICE)
CREDIT CARDS & MORTGAGES
HEALTH AND EMPLOYEE BENEFITS
PHONE BILL POWER BILL CABLE BILL ETC.
BANKING & INVESTMENTS
INTERNET
230
PASSWORD, LOGIN AND PROPRIETARY GUI
220
210
END USER

Figure 5

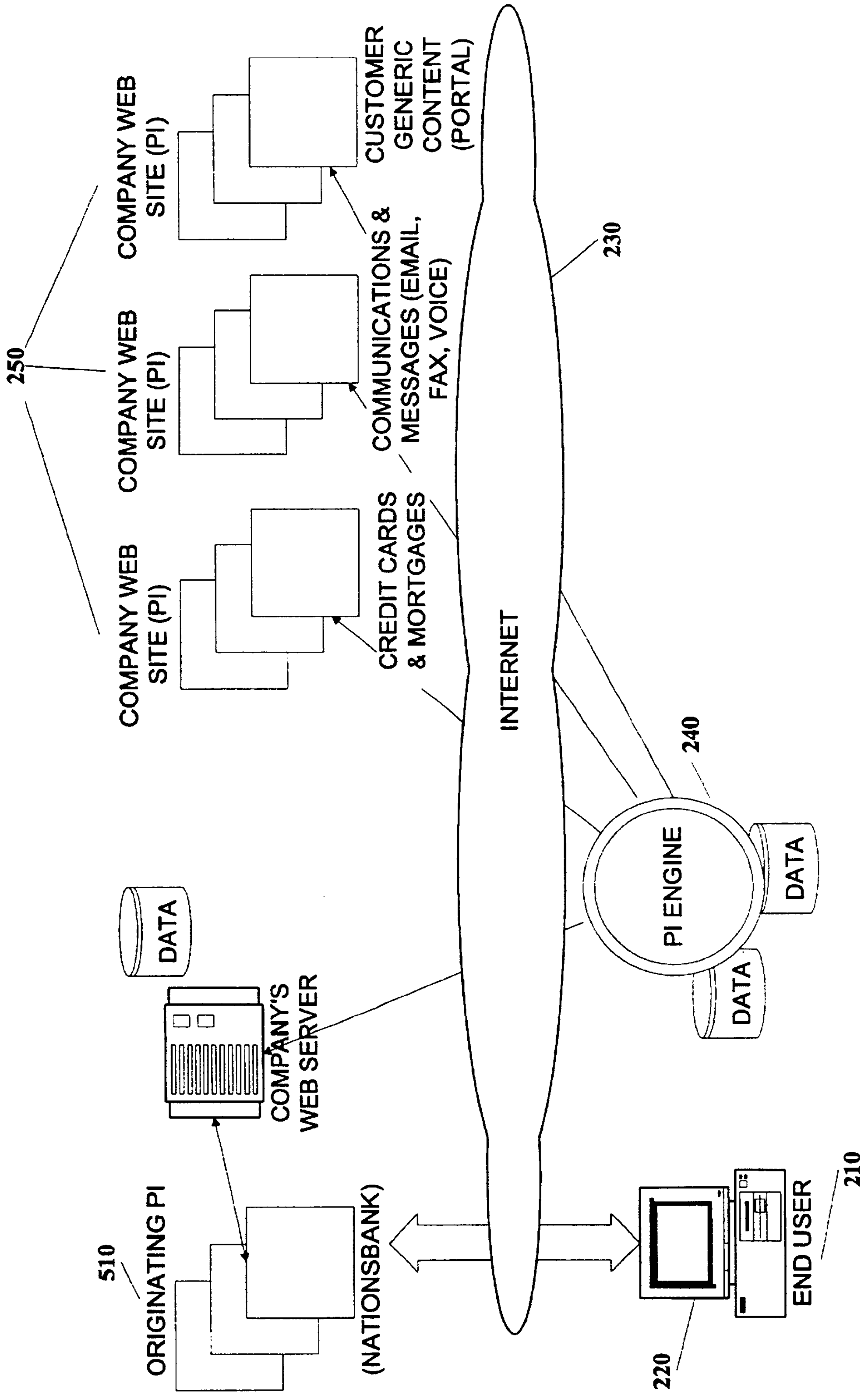

250
COMPANY WEB SITE (PI)
COMPANY WEB SITE (PI)
COMPANY WEB SITE (PI)
CUSTOMER GENERIC CONTENT (PORTAL)
COMMUNICATIONS & MESSAGES (EMAIL, FAX, VOICE)
CREDIT CARDS & MORTGAGES
230
INTERNET
240
PI ENGINE
DATA
DATA
DATA
COMPANY'S WEB SERVER
510
ORIGINATING PI
(NATIONSBANK)
END USER
210
220

Figure 6

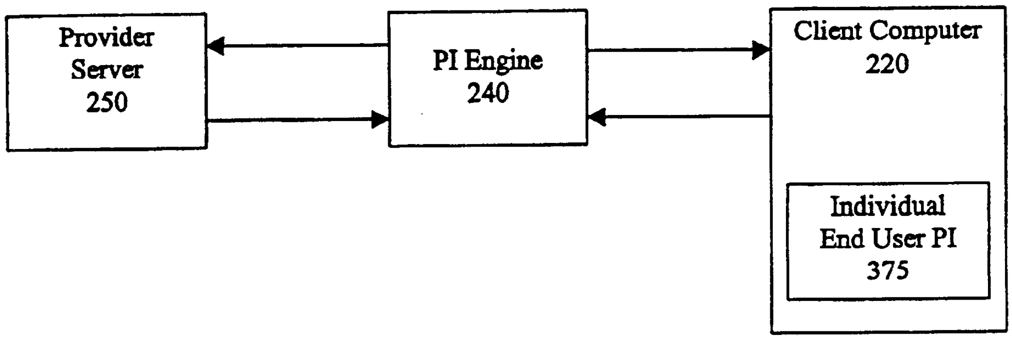

Provider Server 250
PI Engine 240
Client Computer 220
Individual End User PI 375

Figure 7

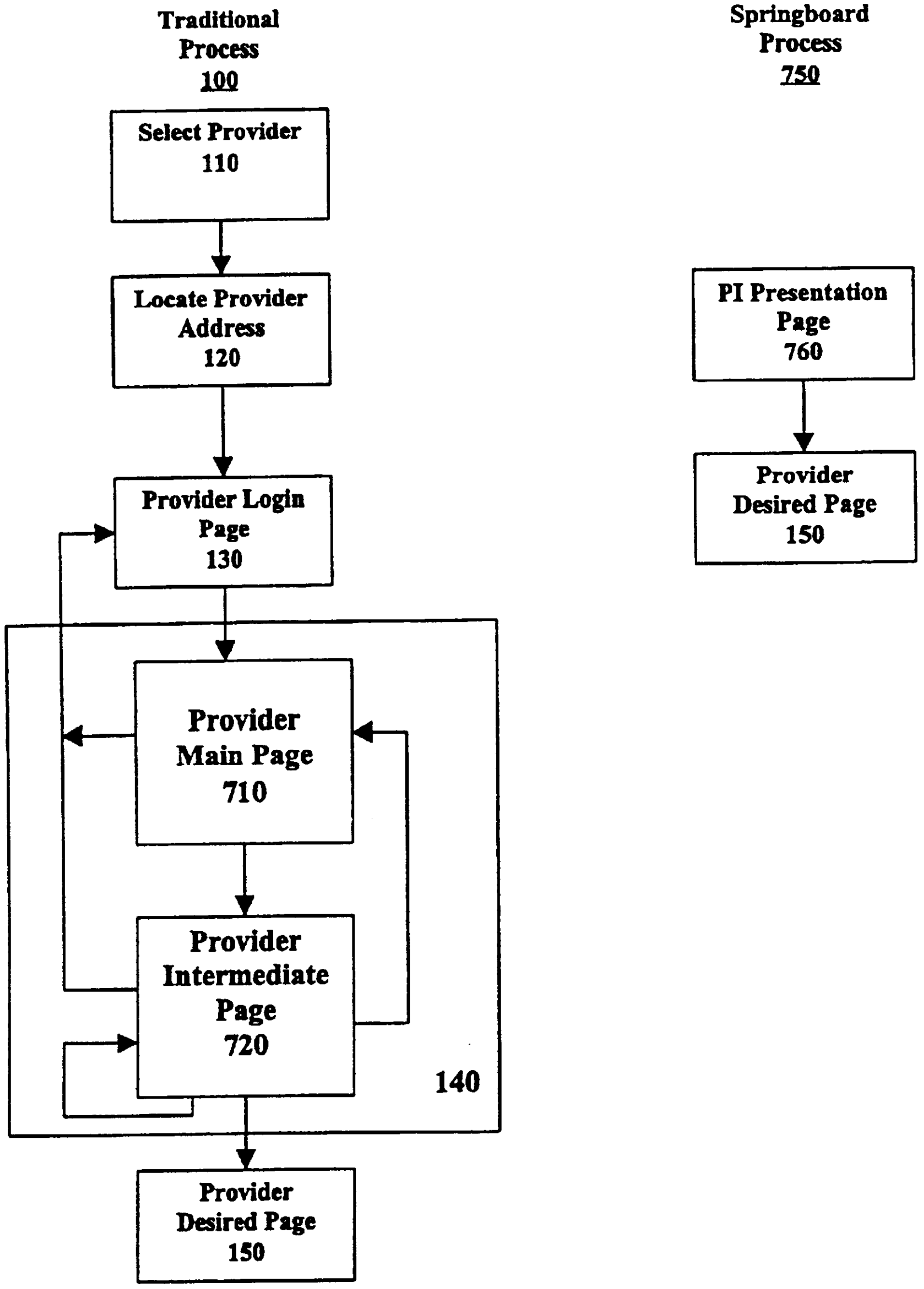

Traditional Process 100
Springboard Process 750
Select Provider 110
Locate Provider Address 120
Provider Login Page 130
Provider Main Page 710
Provider Intermediate Page 720
140
Provider Desired Page 150
PI Presentation Page 760
Provider Desired Page 150

Figure 8

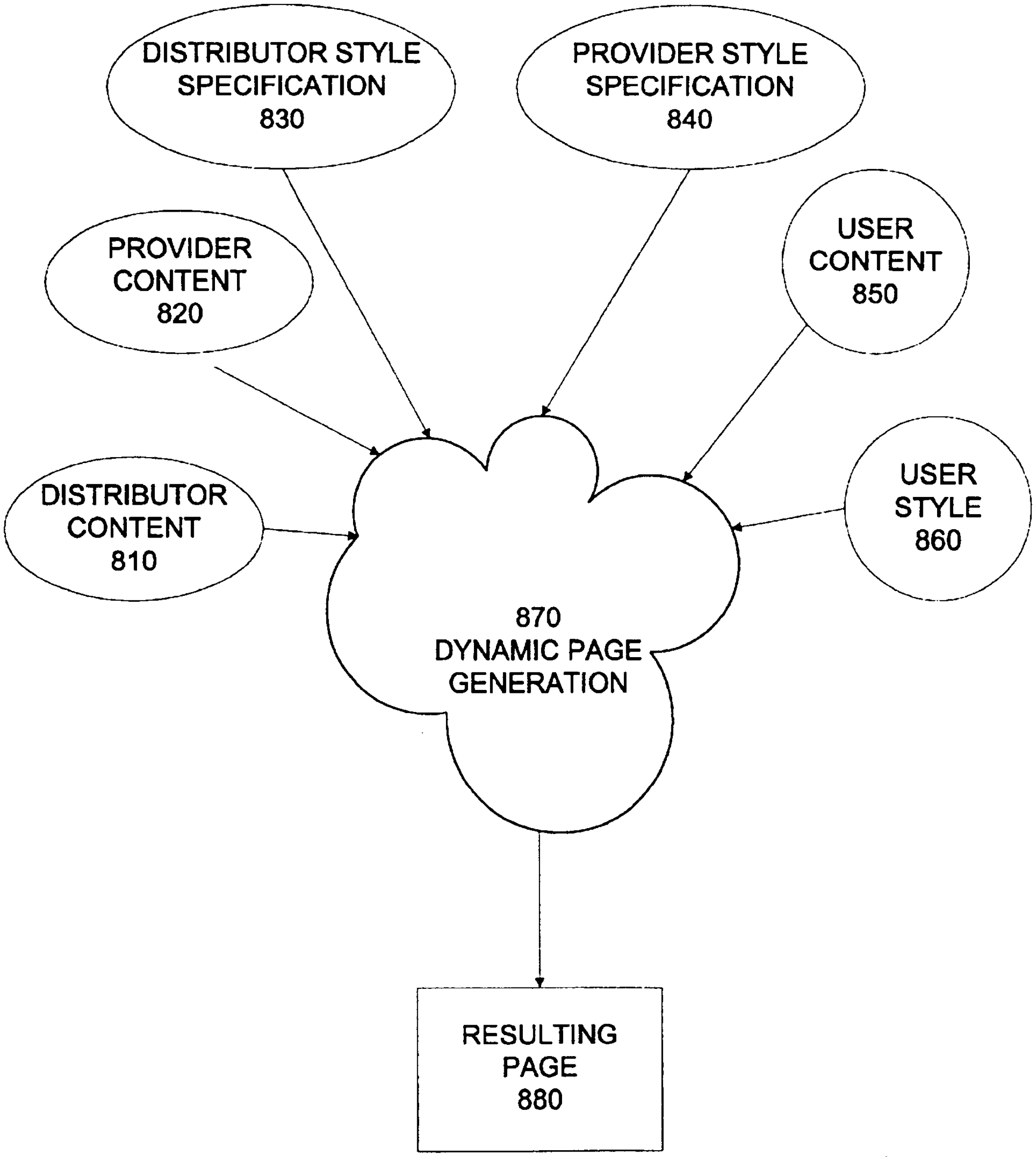

DISTRIBUTOR STYLE SPECIFICATION 830
PROVIDER STYLE SPECIFICATION 840
PROVIDER CONTENT 820
USER CONTENT 850
DISTRIBUTOR CONTENT 810
USER STYLE 860
870 DYNAMIC PAGE GENERATION
RESULTING PAGE 880

Figure 9

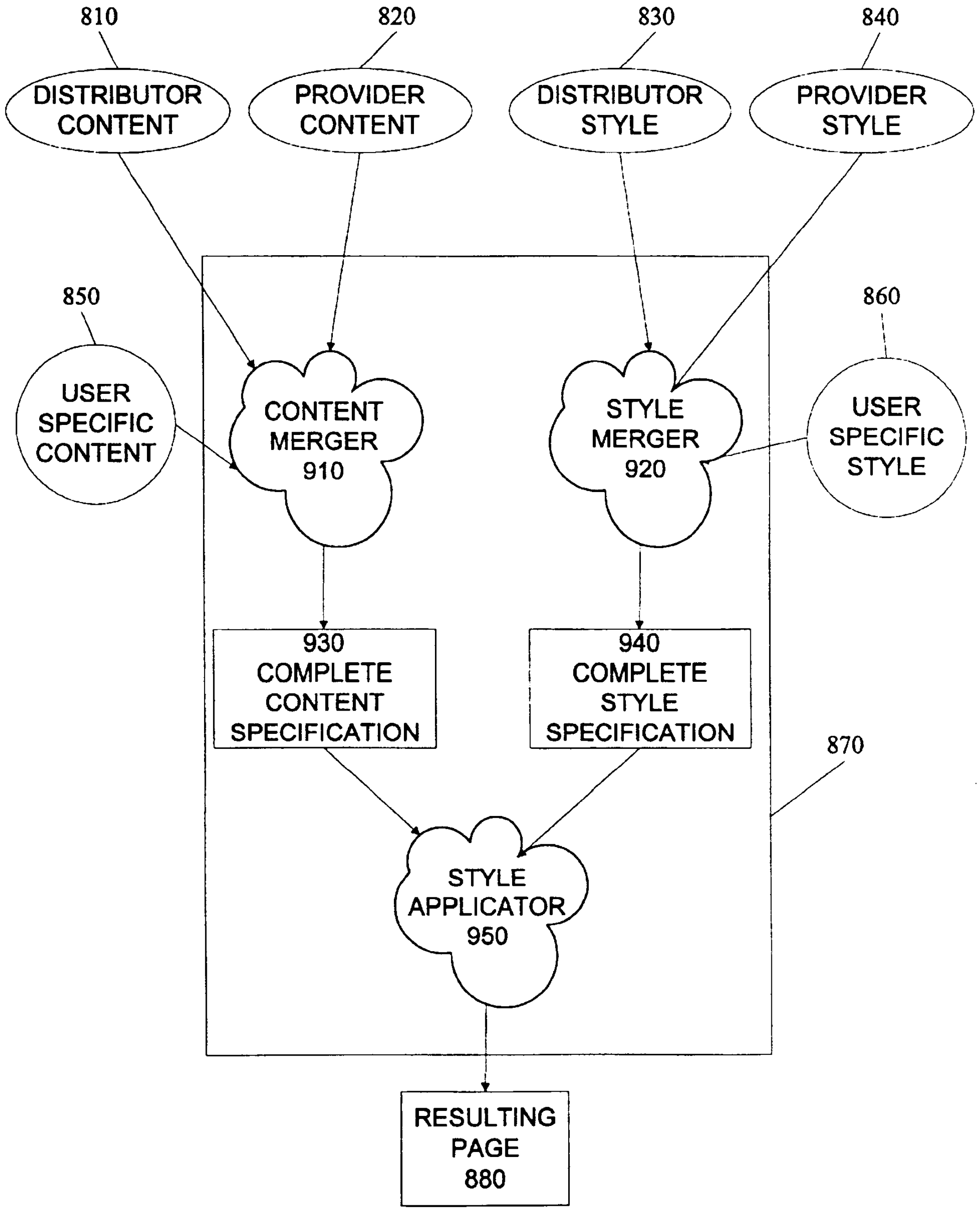

810
820
830
840
DISTRIBUTOR CONTENT
PROVIDER CONTENT
DISTRIBUTOR STYLE
PROVIDER STYLE
850
860
USER SPECIFIC CONTENT
CONTENT MERGER 910
STYLE MERGER 920
USER SPECIFIC STYLE
930 COMPLETE CONTENT SPECIFICATION
940 COMPLETE STYLE SPECIFICATION
870
STYLE APPLICATOR 950
RESULTING PAGE 880

Figure 10

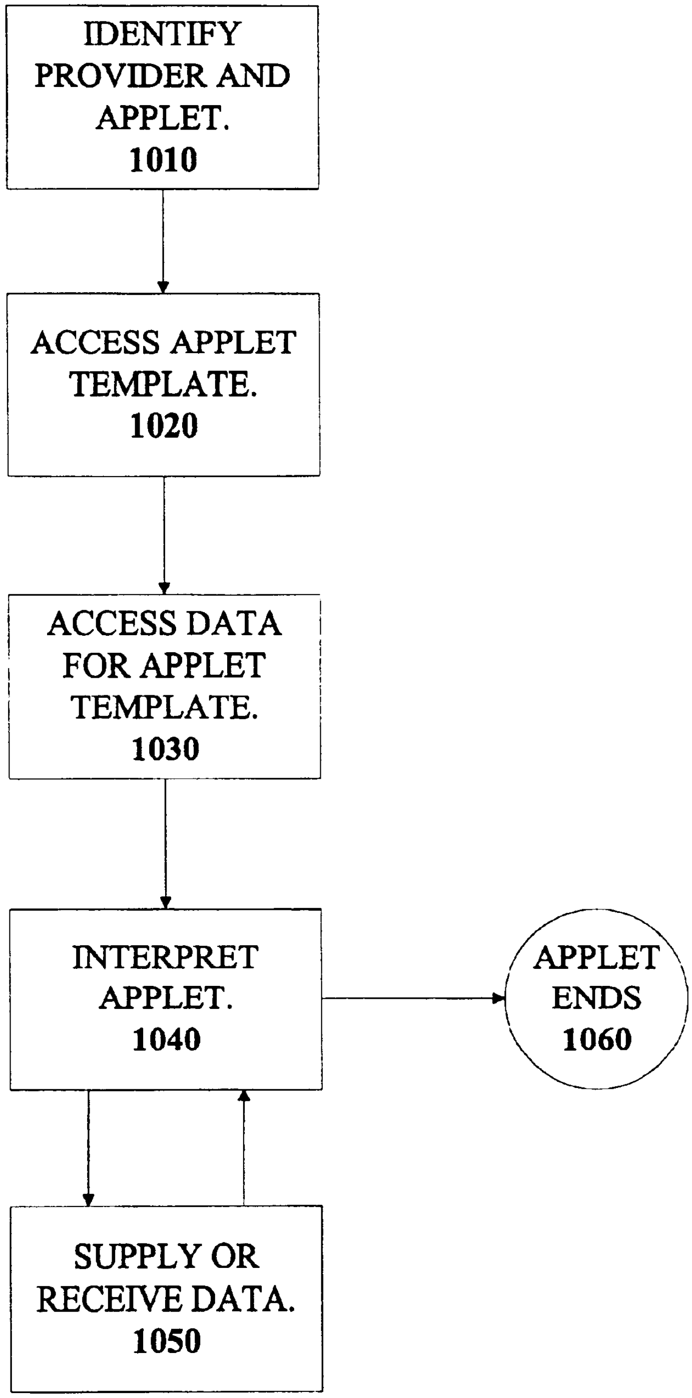
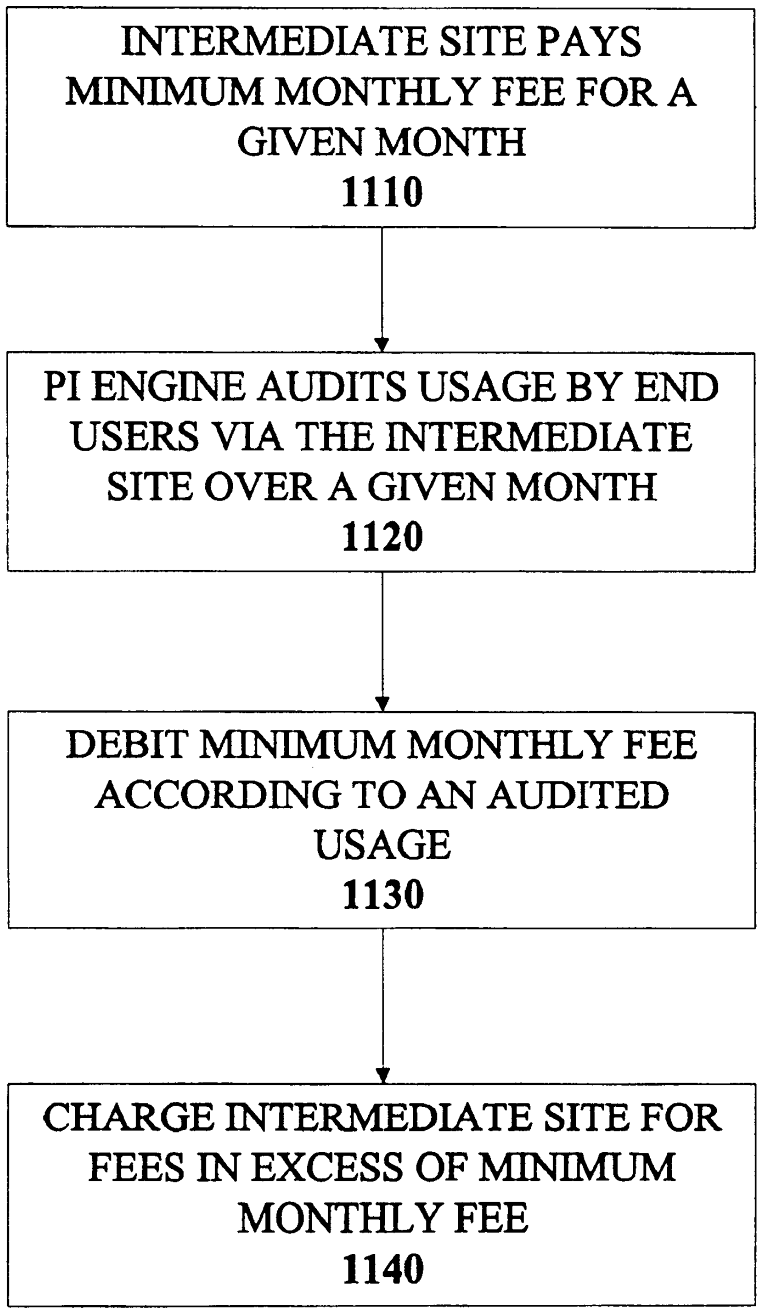

IDENTIFY PROVIDER AND APPLET.
1010
ACCESS APPLET TEMPLATE.
1020
ACCESS DATA FOR APPLET TEMPLATE.
1030
INTERPRET APPLET.
1040
APPLET ENDS
1060
SUPPLY OR RECEIVE DATA.
1050

Figure 11


INTERMEDIATE SITE PAYS MINIMUM MONTHLY FEE FOR A GIVEN MONTH
1110
PI ENGINE AUDITS USAGE BY END USERS VIA THE INTERMEDIATE SITE OVER A GIVEN MONTH
1120
DEBIT MINIMUM MONTHLY FEE ACCORDING TO AN AUDITED USAGE
1130
CHARGE INTERMEDIATE SITE FOR FEES IN EXCESS OF MINIMUM MONTHLY FEE
1140

APPARATUS AND METHODS FOR AUTOMATED AGGREGATION AND DELIVERY OF AND TRANSACTIONS INVOLVING ELECTRONIC PERSONAL INFORMATION OR DATA

CROSS-REFERENCE TO RELATED PATENT APPLICATION

This application claims the benefit, pursuant to 35 U.S.C. §119(e), of applicants' provisional U.S. Patent Application Ser. No. 60/105,917, filed Oct. 28, 1998, entitled "Apparatus and Method for Automated Aggregation and Delivery of and Transactions Involving Electronic Personal Information or Data" and of applicants' provisional U.S. Patent Application Ser. No. 60/134,395, filed May 17, 1999, entitled "Apparatus and Method for Automated Aggregation and Delivery of and Transactions Involving Electronic Personal Information or Data".

BACKGROUND OF INVENTION

1. Field of Invention

The invention relates to an apparatus and process for automated aggregation and delivery of electronic personal information or data (PI). The invention further relates to the automation of transactions involving electronic PI.

2. Description of Related Art

Looking back over the last five years, it is apparent that as the Internet gained momentum, consumers demanded applications or services that make their online experience simpler, easier to use, and more satisfying. The development of successful Internet Sites has corresponded with a number of themes which have developed over the last few years. When carefully analyzed this evolution is a logical development of the emerging digital economy.

Prior to 1994, the Internet was not a mass media, in part, because the existing technologies (FTP, Archie, Usenet, and Gopher) were not user friendly and required the end user to do all of the work (e.g., the end user had to learn of an existing data source, find the address, navigate to the destination, and download the information). As more consumers began accessing the Internet, Search Engines were created to solve this usability issue. With the advent of the commercial Search Engine, additional content could be easily added to the Internet and the end user had a means of finding and accessing this information. Consumers required better tools than Search Engines for organizing and accessing this wealth of generic content. Push technologies were explored, and eventually, the portal strategy was successfully adopted as an efficient way for consumers to easily access a variety of content sources in a single, easy to use format. As the volume of available online content continues to grow exponentially, portals are now confronted with the need to make different types of content available to different consumers based upon their particular preferences and tastes.

The phenomenal success of Internet portals and destination sites has demonstrated the importance of creatively and intelligently aggregating, organizing and presenting the mass of information available on the Web. Search engines, portals and destination sites have Internet strategies based on the frequency, duration and quality of end user visits to their sites. For this reason, destination sites and portals are constantly seeking content and/or technologies which drive quality traffic to their site and keep it there. Recent trends indicate that Internet users are up to 25 times more likely to

come back to a site when this information is organized according to personal preferences.

FIG. **1** displays the current process of acquiring online PI **100**. The end user first selects an information provider site in step **110**. The end user proceeds to step **120** by locating and entering the Internet address of the selected information provider. This step may be accomplished in several manners with varying levels of complexity. A simple means for accomplishing this step is the utilization of a bookmark or favorite whereas locating an information provider for the first time might involve significant time and effort performing online searches. In step **130**, the end users logs into the selected information provider's Web site utilizing the site's specific logon protocol. This protocol usually involves verifying the identity of the end user using a user name and password or other means of verification, acquiring the verification data from cookies residing on the end user's system or a combination of requested data and cookie data. The end user continues in step **140** by navigating through Web pages on the information provider's Web site until the desired information is located. During this process, the end user is often required to visit Web pages of little or no use to the end user whose goals is to simply acquire the particular PI residing on the Web site. Ultimately in step **150**, the end user is presented with the desired PI. The entire process **100** is repeated for each individual piece of PI desired by the end user. Under this PI access model, the end user must visit each separate information provider, track potentially different identity verification data for each, utilize a different user interface at each site and possibly wade through a significant number of filler Web pages.

FIG. **4** pictorial illustrates the architecture of this current access process. The end user **210** utilizes the client computer **220** to access each PI Web site **250** across the Internet **230**. This current model suffers from several significant deficiencies. The end user must login to each site separately. Each separate site has its own graphical user interface. Each site wants the end user to stay and return; each visited site wants to retain end user focus for as long as possible. No true aggregation of PI exists; multiple accesses simply allow sequential access to particular pieces of PI.

One partial solution to these problems has recently evolved in the form of portal sites. Generic portal sites aggregate resources into categories and provide links to sites covering topics within those categories. Yahoo and Excite are examples of generic portal sites. These sites facilitate horizontal aggregation of generic content; horizontal aggregation refers to aggregation of PI access within a particular information provider category such as banks or utility companies. Some portal site allows individual end users a limited capability to select and configure disparate generic PI. Generic PI refers to PI of interest to the particular end user that does not require specific identity verification to obtain. For example, an end user might be interested in the weather forecast for his local area. This information could be integrated into a portal page without requiring identity verification of the particular end user receiving this PI. The individualized portal page provides a significant benefit to users seeking to aggregate generic PI. However, current portal pages do not generally provide PI requiring identity verification such as an end user's stock portfolio or bank balance. Further, these pages do not facilitate transactions utilizing PI.

Under current technology, aggregating PI available over the Internet requires a significant burden in terms of time, effort and learning curve. An end user wishing to access his PI needs to individually visit a variety of information provider sites each with its own requirements, graphical user interface and login protocol.

SUMMARY OF THE INVENTION

In the present invention, a networked computer is used to facilitate end user access of, manipulation of and transactions involving electronic PI associated with the particular end user such as stock portfolio, local weather, sports scores, bank account balances or other pertinent information or data. According to the present invention, the PI relevant to the particular end user is aggregated on the networked computer. This information or data is delivered to the end user in a unified manner by a variety of selectable delivery platforms such as facsimile, client computer, telephone, conventional mail, electronic mail, pager, other wireless device, Web page or channel or other delivery vehicle. The present invention further facilitates a variety of electronic transactions involving PI such as stock trading, retail purchases, bill payment, bank account fund transfers or other transactions.

A system for delivering personal information according to the present invention includes a user store including end user data, a provider store including information provider data, a personal information store including personal information and a processor that communicates with these data stores. The processor supports the aggregation of personal information. The processor selects an end user for personal information aggregation. Once the end user is selected, the processor connects with one or more information providers. The processor then proceeds to retrieve personal information for the selected end user from the connected information providers. This retrieval is based on end user data associated with the selected end user and provider data associated with the connected information providers. The retrieved personal information is stored in the personal information store.

The above and other objects and advantages of the present invention will become more readily apparent when reference is made to the following description, taken in conjunction with the accompanying drawings.

BRIEF DESCRIPTION OF THE DRAWINGS

FIG. 1 is a process diagram of the current process that end users perform to access Internet available PI.

FIG. 2 is a block diagram of the components that could be used to implement present invention.

FIG. 3 is a block diagram of the components of the PI engine.

FIG. 4 is a diagram of the current PI access architecture.

FIG. 5 is a diagram of an architecture supporting PI access utilizing an intermediary Web site.

FIG. 6 is a diagram of the cookie/client cache architecture.

FIG. 7 is a flowchart for accessing pages underlying particular PI via the traditional process of FIG. 1 and via springboard technology.

FIG. 8 depicts the integration model for the dynamic generation of HTML pages.

FIG. 9 displays the run-time process for dynamic generation of HTML page.

FIG. 10 illustrates a process for automated applet interaction utilizing a modified Java virtual machine.

FIG. 11 is a flowchart exemplifying an intermediary Web site transaction structure.

DETAILED DESCRIPTION OF THE INVENTION

A preferred embodiment of the invention is now described in detail. Referring to the drawings, like numbers indicate like parts throughout the views. As used in the description herein and throughout the claims that follow, the meaning of "a," "an," and "the" includes plural reference unless the context clearly dictates otherwise. Also, as used in the description herein and throughout the claims that follow, the meaning of "in" includes "in" and "on" unless the context clearly dictates otherwise.

In no time, end users will have to log into a large number of different Web Sites, each with separate passwords, security, rules, software and "look and feel"—just to get the information currently obtained by checking one place—the mailbox at the end of the driveway. The Internet will fundamentally change the way in which end users will access Personal Information (PI) and will make e-commerce as familiar as using an ATM. "Personal Information" is all of the data that companies, information providers, have that is specific or unique to each person such as monthly bills, bank account balances, investments information, health care benefits, email, voice and fax messages, 401(*k*) holdings or potentially any other information pertinent to a particular end user.

The present invention alleviates several of the problems with the current PI acquisition methods by automatically aggregating PI, not only generic PI as aggregated by portals but also PI specific to the end user requiring identity verification for access. In one embodiment, the invention automates the PI acquisition and delivery process. FIG. 2 provides a block diagram of components that could be used to implement the present invention. The end user **210** accesses a client computer **220** running client software **270** which in a particular embodiment could be a general Web browser such as Navigator or Communicator (Netscape). The client computer **220** utilizes the Internet **230** to access a PI engine **240** running on a PI host **290**. The PI engine **240** examines stored PI **280** for freshness. Any stale PI items are refreshed by directly reacquiring the PI from the particular information provider's Web site **250** running on the provider's computer system **260** accessed across the Internet **230**. The PI engine **240** stores the fresh PI in its store **280** and delivers the PI to a selected destination, in this instance across the Internet **230** to the client computer **220** which displays the information to the end user **210** using the client software **270**. The PI engine **240** refreshes all stale PI in a like manner prior to forwarding the aggregated PI to both the store **280** and the delivery destination, the client computer **220** in this instance. The PI engine **240** may refresh the PI sequentially or in parallel. For example, the end user's checking account balance would be updated through his bank's Web site, his email from his particular email site, his portfolio information from his broker's site and his electricity bill from his electricity company's site.

FIG. 3 displays a block diagram of the components of the PI engine **240**. The PI engine **240** is composed of both storage and processing components. The three primary storage components are the PI store **280**, the PI Provider store **310** and the user store **360**. The first storage component of the PI engine **240** is the PI store **280**. The PI store **280** contains each individual's PI record **375**; the PI associated with a particular end user is segregated from the PI of all other end users. The PI engine also utilizes a provider store **310** that maintains general parameters associated with particular PI providers. The general parameters of a PI provider define the types of verification data necessary and the procedures to be followed to gain access to the particular PI provider. Each PI provider record also contains the types of PI provided by the PI provider and the types of transactions supported by the provider. Along with the type of PI or transaction, the record also contains the additional types of data and procedures necessary to access the PI or execute the transaction. A user store **360** is also necessary to maintain configuration and verification information concerning particular end users. For each end user, the user selected PI providers, PI and transactions are registered along with the verification data necessary to acquire the PI or execute the transaction from the PI provider.

The PI store **280** may be implemented in a variety of ways. Referring to FIG. **2**, the PI store **280** may comprise a database residing on the PI Host **290**. Under this approach, the PI for each individual end user **210** is stored as a separate record or object **375** in the database. In yet another embodiment, the PI for each end user **210** could be stored in a separate file **375**, thus performing the task of segregating PI of different users at the file level.

In addition, or as an alternative, the PI associated with each end user **210** may reside on his/her client computer **220** using cookie technology as specified in D. Kristol and L. Montulli, "HTTP State Management Mechanism", Request For Comments (RFC) 2109, February, 1997 (available at http://www.ietf.org/rfc/rfc2109.txt), which is expressly incorporated herein in its entirety. The PI associate with the end user **210** would be stored as PI cookies **375**. This implementation mechanism provides inherent support for segregating PI associated with one end user **375** from PI associated with all other end users. Utilizing this method as a substitute for a centralized store provides a layer of security against unauthorized access. As a further measure, PI data stored in cookies could be stored in an encrypted format.

FIG. **6** provides a diagram of a typical implementation of the PI store **280** using cookie technology; references in the foregoing description are also made to FIG. **3** with respect to the internal workings of the PI engine **240**. When an attempt is made to access PI by an end user **210** directly, or through an intermediary Web server, the PI access/transact component **340** of the PI engine **240** would retrieve stored PI **375** from the PI store **280**. Under this approach, this stored PI **375** would be received directly from cookies sent by the client computer **220** of the end user **210**. The PI access/transact component **340** would perform any decryption if necessary. Any updates required would be obtained by direct access of PI providers **250**. The PI deliver component **350** would provide the mechanism for both updating the PI store **280** as well as transmitting the requested PI to the end user **210**, directly or through an intermediary Web site. The PI deliver component **350** would place the updated PI in the PI store **280** by replacing the outdated PI cookies **375** stored on the client computer **220**. The PI deliver component **350** would also handle any encryption if necessary. The PI deliver component **350** would also be responsible for transmitting requested PI. In a preferred embodiment, the PI store **280** would be implemented using this cookie-based architecture.

The user store **360** may be implemented in a variety of ways. Referring to FIG. **2**, the user store **360** may comprise a database residing on the PI Host **290**. Under this approach, the personal configuration data for each individual end user **210** is stored as a separate record or object in the database. In addition, or as an alternative, the end user data could be distributed in a manner similar to the cookie/cache architecture describe above with respect to the PI store **280**.

In a preferred embodiment, the user store **360** could be implemented through personal information configuration (PIC) files. PIC files store a personal profile such as name, address, and social security number in secure, encrypted fashion for each end user. PIC files facilitate automatic registration of end users with information Providers via the end user configuration component **330**. This component will read the PIC file and, using retrieved personal information, pre-populate registration templates for selected Providers. Then, it will prompt the user to enter required information that is missing from profile, if necessary. If the information is complete, the registration is automatically completed. Next, the end user configure component **330** completes any Provider registration forms, gets responses and updates the end user's PIC.

The four primary processing components access and manipulate the data in the three stores. The processing components may execute on a single processor, such as a file server computer system based on a Pentium class (MMX, PRO, II, III, etc.) central processing unit or an equivalent, or multiple processors. These four processing components are the Baseline configure component **320**, the end user configure component **330**, the PI access/transact component **340** and the PI delivery component **350** as seen in FIG. **3**. The Baseline configure component **320** provides the interface by which new user selectable PI providers are added to the system. This component **320** might be implemented in a variety of ways including trial and error followed by manual entry of configuration information, semi-automated trial and error (automated location of Hypertext Markup Language (HTML) <FORM> elements, Javascript functions and Java applets) followed by manual entry of configuration information or, preferably, configuration by example (executing the protocol in a simulated Web client where the simulated Web client automatically generates a list of required data and a list of steps in the access process). These processes would be utilized at two levels: the first level being the set of data and steps required for general access to the particular PI provider and the second level being the set of additional data and steps required for accessing each particular piece of PI on the PI provider's site. The baseline configuration component **320** may be triggered independently when a new PI provider is added to the system, or it might be triggered as a result of a failure of the PI access/transact component **340** potentially indicating a change in access requirements for the failed access. This latter warning would more likely result where the PI access/transact component **340** has made a comparison between requirements supplied by the Provider store **310**, both general to the PI provider and specific to the PI or transaction, and the end user data supplied by the user store **360** after seeking end user verification via a request of the end user to confirm the previously entered required access data via the end user configure component **330** and found an inconsistency. When an inconsistency is determined, updates to the Provider store **320** are made to bring the Provider data into conformance with current access/transaction requirements.

The end user configure component **330** allows an end user to select and configure PI and transactions of interest to the specific user. This configuration information is maintained in the user store **360**. When an end user initially subscribes to the system according to the present invention, the system allows the user to select the types and sources of PI and/or transactions desired. First, the system requests permission from the end user to act on his behalf to obtain any selected PI and to execute any authorized transactions. Next, the system provides the user with a list of known information suppliers and the types of PI supplied from and transactions supported by the particular PI provider from the Provider store **320**. The system requests the verification data necessary for accessing each selected PI provider and the additional data required by the particular PIs and/or transactions desired from that PI provider. Assuming the end user is already a registered user with the selected PI provider or the particular PI provider does not require prior registration, the data supplied by the end user is placed in the user store **360**.

One method of obtaining any cookie data would be for the end user to access each previously accessed PI utilizing the PI engine **240** as a proxy server. The PI engine **240** would pass the cookie data to the PI provider site with the appropriate Web page requests to obtain the PI or execute the transaction and with the end user's permission retain a copy of the cookie data in the his record in the user store **360**. An alternate means of obtaining the cookie data would be a direct upload of the cookie information from the end user's computer. In a preferred embodiment, no cookie data is necessary where a user is already registered with a provider. All that is necessary is the verification data for login.

If the end user does not have the requisite information because he is not a registered user of a selected PI provider, the user configure component **330** prompts the user for the information necessary to register the end user with the PI provider and performs the registration procedure required by the PI provider. A simulated Web client could perform this process automatically supplying the access data as required and sending any necessary cookie data. The manner in which such a simulated client registers the end user depends significantly upon the interaction method used on the PI provider Web site. If the Web site uses HTML forms and common gateway interface (CGI) applications, the end user configure component **330** can formulate a uniform resource locator (URL) to replicate the effect of actual form usage and submit this URL to the simulated Web client. The use of a URL to mimic an HTML form is equivalent to manually entering the data into the Web <FORM> element. See Kerven, Foust, Zakour, *HTML* 3.2 *Plus How-To*, Waite Group Press, 1997, pp. 559–569. If the Web site uses a mixture of HTML forms and Javascript functions, a simulated Web client with a modified Javascript interpreter could effectively register the user by following the end user registration process for the particular PI provider. The registration process to follow would be obtained from the record of the particular PI provider in the Provider store **320**. The Javascript interpreter in the simulated Web client would follow this procedure and supply the data supplied by the end user. A similar process could be used if the registration process on the PI provider Web site utilizes a Java applet. A Web client with a modified Java bytecode interpreter could effectively register the user by following the end user registration process stored for the particular PI provider in the Provider store **320**. The bytecode interpreter would supply the data previously entered by the end user rather than requiring interactive input from the end user. If the PI provider Web site utilizes a combination of forms, scripts and applets, the individual procedures above could be used in combination to accomplish the desired registration.

With reference to FIG. **2** and FIG. **3**, a modification of the Java virtual machine (VM) could allow for automated interaction between the various functional components of the PI Engine **240** and Java applet available through provider Web servers **250**. Templates for interacting with particular applets could reside in the Provider store **310**. The specific input data utilized by such templates could be stored in the User store **360**. When a functional component such as the end user configure **330** or the access/transact **340** components requires automated communication with a Java applet on a provider Web server **250**, the modified Java VM would facilitate this interaction.

FIG. **10** illustrates one process utilizing such a modified Java VM to achieve such automated interaction. The functional component requiring interaction identifies the provider and the particular applet on that provider with which the component needs to interact in step **1010**. In step **1020**, the component accesses the necessary template for interacting with the applet from the Provider store **310**. Proceeding to step **1030**, the component accesses the User store **360** to obtain the data required by the template. The modified Java VM interprets the applet in step **1040** and, rather than requiring interactive input from a user as in a normal Java applet execution, awaits input from or output to the interacting functional component of the PI engine. In step **1050**, the functional component supplies input data to the modified Java VM according to the accessed template and retrieved data and receives output data according to the accessed template. Steps **1040** and **1050** repeat so long as additional input to or output from the applet continues. Upon termination of the applet, the functional component continues with its own processing in step **1060**.

A successful registration could result in displaying the registration information to the end user for future reference. Further, the end user configure component **330** stores the requisite access verification data for the PI provider and the additional data required to access the selected PI or transaction in the user store **360**.

In a preferred embodiment of such automated registration, any necessary cookie data would be accepted and stored as needed by the end user configure component **330**. In many cases, cookie data is session specific and, therefore, of little long term utility. Cookies generated during the registration process are used solely during the registration process then discarded once registration is complete.

A failed registration could result from several situations. First, the end user attempting to register with the PI provider does not qualify for registration; for example, an end user attempting to register with a bank with whom the end user does not maintain an account and where the bank only allows access to account holders. Next, the end user may have supplied improper or incorrect information. For example, a bank registration process might require a social security number, a password, a bank account number and the maiden name of the end user's mother; if the user entered an incorrect social security number, the registration process would fail. Finally, the PI provider may have altered the registration procedure for its Web site. In this situation, following the process supplied from the Provider store **320** would yield a failed registration. In the instance of any registration failure, the end user could be presented with the data initially supplied to the system for registration. The system could then ask the end user to double check the correctness of the information provided and to correct and resubmit the data if an error is found. A second failure resulting from the submission of identical requisite data might generate an error message presented to the end user stating that either the end user is ineligible to access the selected PI from the selected PI provider or that alteration by the PI provider may have caused an error in registration. This second failure could also trigger a warning suggesting the need to potentially reconfigure the record for the PI provider in the Provider store **320**.

Ultimately, the user store **360** would contain a record for each end user. This record as previous described could be a database entry, one or more cookies or a file such as a PIC file. Each record would identify the selected PI providers along with the general access verification data needed and also under each PI provider would be a list of PI supplied and transactions supported by the particular PI provider of interest to the end user along with the additional data, if any, necessary to access that PI or execute that transaction. Specifically, duplicative information such as an end user's name would be centrally stored in the record once.

The end user configure component **330** also allows the end user to select one or more delivery destinations. One destination might be the end user's computer as exemplified by the client computer **220** running client software **270** in FIG. **2**; however, a computer is not the only destination contemplated by the present invention. The destination for PI delivery could include facsimile, electronic mail, telephone, conventional mail, pager, other wireless device such as a Palm Pilot (3 Com), Web page or channel, Web browser or other delivery mechanism. The present invention also contemplates indirect access of PI by the end user utilizing a Web site as an intermediary; however, such indirect access would not require the end user to specify a delivery destination unless additional delivery options were desired.

Further, access to the end user configure component **330** may occur through direct access to the PI engine via the Internet as contemplated by the client computer **220** running client software **270** in FIG. **2**; however, alternative methods of access are equally feasible. For example, the user might indirectly access the PI engine through the use of an intermediary Web site. A telephone interface to allow access to the end user configure component is another alternative.

With reference to FIG. **3**, the PI access/transact component **340** supports the update, acquisition and transaction functionality of the PI engine **240**. The PI access/transact component **340** is responsible for accessing and storing user PI and executing transactions authorized by the end user. When access or update is needed for a selected end user, the PI access/transact component **340** combines information from the Provider store **320** and the user store **360** to update end user PI in the PI store **280**. For each piece of PI requiring access or update, the PI access/transact component **340** looks up the access procedure and information needed for the particular PI in the Provider store **320**. The verification and access data is found in the user store **360**. The PI access/transact component **340** utilizes this information to connect to the PI provider's Web site across the Internet and to access the PI. Where multiple pieces of PI require updating or access, the accesses may occur in series or parallel.

Requested transactions would be similarly supported. For each transaction, the PI access/transact component **340** combines information from the Provider store **320** and the user store **360** to perform the requested transaction. The PI access/transact component **340** looks up the transaction procedure and information needed for the particular transaction in the Provider store **320**. The verification and access data is found in the user store **360**. The PI access/transact component **340** utilizes this information to perform the transaction across the Internet from the PI provider's Web site

A simulated Web client could perform access or transaction processes automatically supplying access and verification data as necessary. The manner in which such a simulated client access PI or execute transactions depends significantly upon the interaction method used on the PI provider Web site. If the Web site uses HTML forms and common gateway interface (CGI) applications, the PI access/transact component **340** can formulate a uniform resource locator (URL) to replicate the effect of actual form usage and submit this URL to the simulated Web client. The use of a URL to mimic an HTML form is equivalent to manually entering the data into the Web <FORM> element. See Kerven, Foust, Zakour, *HTML 3.2 Plus How-To,* Waite Group Press, 1997, pp. 559–569. If the Web site uses a mixture of HTML forms and Javascript functions, a simulated Web client with a modified Javascript interpreter could effectively access the PI or perform the transaction by following the PI access/transact process for the particular PI or transaction respectively. The access or transaction process to follow would be obtained from the record of the particular PI or transaction in the Provider store **320**. The Javascript interpreter in the simulated Web client would follow this procedure and supply the data found in the user store **360**. A similar process could be used if the PI provider Web site utilizes a Java applet. A Web client with a modified Java bytecode interpreter could effectively access PI or perform transactions by following process stored for the particular PI or transaction in the Provider store **320**. The bytecode interpreter would supply the data from the user store **360** rather than requiring interactive input from the end user. If the PI provider Web site utilizes a combination of forms, scripts and applets, the individual procedures above could be used in combination to accomplish the desired access.

In a preferred embodiment of such automated accesses or transactions, any necessary cookie data would be accepted and stored as needed by the PI access/transact component **340**. In many cases, cookie data is session specific and, therefore, of little long term utility. Cookies generated are used solely during these functions then discarded once the mining or transaction operation is complete.

In order to provide personal information to an end-user quickly after login, it is necessary for the PI access/transact component **340** to select an end user for data harvesting prior to the login of the end user. One approach to this solution is to update all of an end user's PI whenever the end user, directly or through an intermediary Web site, requests access to his/her PI. Another approach would be to update all of an end user's PI supplied by a particular provider whenever PI from that supplier is requested. Thus, the act of logging into the system by an end user effectively selects that end user for immediate PI update. However, this approach may result in the inefficient use of the PI Engine **240** resources.

Given the large number of potential users and providers, and the goal of providing the freshest data possible, another embodiment includes an algorithm developed to optimize the schedule in which end users are selected for data harvesting from a provider. This algorithm factors in the provider's update policy, the user's login habits, and the user-provider account characteristics. The proper application of the algorithm should ensure that PI is harvested as infrequently as possible for a given user, thus minimizing system resource consumption.

If the next provider update time and the next expected user login can be accurately predicted, a model can be created that will allow for smarter harvesting. Rather than harvesting data for all users of a provider at once when the provider updates its site, the harvesting can be spread out over time based on expected login times of users and network activity profiles. For example, if Provider A updates its site on Friday night and a large number of users of that provider are not expected to login again until Monday morning, the harvesting load can be distributed across multiple days. This has the advantage of minimizing both the peak loading of the PI Engine **240** as well as consumption of the provider's bandwidth by the PI Engine **240**. To gain this optimization, the PI Engine **240** must maintain and refine models of each provider and user. Such data can be maintained in the provider store **310** and the user store **360** respectively.

Each time a user utilizes the PI Engine **240**, the time and date may be captured. Once a sufficient number of login times are accumulated, they may be analyzed with respect to day of month, day of week, and time of day. These are used in a model to predict the next expected user login. The model is then tested and refined with subsequent logins until a measurable degree of confidence is established. Once high confidence is determined, the user model is incorporated into the adaptive harvesting scheduler. Until a high confidence level is reached for a particular end user one of the aforementioned harvesting approaches may be used.

Each provider updates its site based on policy driven by their unique resources and business model. For any adaptive scheduler to work, the policy for each provider must be modeled. In some cases, the policy is self-evident. In others, it must be determined empirically. A provider's policy will most likely fall into one of the following categories:

Type I. Updated periodically for all users

Type II. Updated periodically relative to each user

Type III. Updated in a pseudo-random manner

The following three approaches may be used based upon provider type.

Type I Provider Policy Scheduling Algorithm

1. Assume users with a "no confidence" model have an immediate login time.
2. Order the users chronologically based on their predicted login time.
3. Shift the expected login time for all users back one hour.
4. Perform a density curve fit along temporal boundaries to get a polynomial function that can be used to determine the number of user accounts to harvest for a given epoch.
5. Perform an integral matching algorithm with the inverse of the network activity curve for the time period in question to adjust the distribution curve.
6. If possible, re-distribute peak harvesting time toward time zero to flatten the distribution curve.
7. Assign harvesting times to the sorted users according to the distribution curve.
8. Monitor time and harvest the user account when appropriate.

Type II Provider Policy Scheduling Algorithm

For each provider that falls into this category, an attribute of the user must be identified that determines when the personal information is updated. In some cases, the user may need to be queried for the information. In others, it can be determined from the harvested information. If the attribute cannot be established for a user via either of these means, the provider site may be monitored daily for changes in personal information until a pattern is established.

Since there is a natural, even distribution of accounts updated by a provider for a given day, a user's account can be harvested an hour before his expected login time. As in the Type I algorithm, users with a "no confidence" model should be immediately harvested.

Type III Provider Policy Scheduling Algorithm

This type of policy is the most difficult of all. Since the provider updates a user's account in a non-deterministic manner, a decision must be made for each provider as to the criticality of the information relative to the user. For those highly critical providers, each user account should be harvested daily, perhaps even more frequently. For those less critical providers, user accounts should be harvested less frequently and possible when overall system activity is low.

The PI deliver component **350** is responsible for formatting and delivering the PI to the end user. Usually delivery will only occur subsequent to updating all stale PI. The PI will be delivered to one or more destinations (e.g. facsimile, telephone, pager, Web browser, e-mail, etc.) as specified in the user store **360** except where the PI is accessed via an intermediary Web site. Where the destination is not an intermediary Web site, the PI deliver component **350** performs all formatting necessary to deliver the PI to the appropriate destinations. For example, where the destination is a Web browser, the PI would be formatted as an HTML document, or where the destination is a telephone, the PI would be submitted for voice synthesis and transmission.

In the case of an intermediary Web site, the PI is delivered in a format configurable by the intermediary Web site. FIG. **5** pictorial illustrates a possible embodiment of the current invention utilizing an intermediary Web site. An end user **210** utilizes a client computer **220** to access an intermediary Web site **510** across the Internet **230**. The end user **210** logs into the intermediary Web site **510**. The intermediary Web site **510** contacts the PI engine **240** across the Internet **230** and directly receives the end user's PI updated as required from the PI provider Web sites **250**. The intermediary Web site **510** receives the PI, incorporates it into pages according to its particular formatting style and graphical user interface and delivers these pages to the end user **210**. The use of the PI engine **240** is transparent to the end user **210**. Further, an intermediary Web site **510** serving aggregate PI to an end user **210** may, and most likely will, simultaneously serve as a PI provider.

In another embodiment, this formatting occurs via a dynamic HTML generation system combining stylistic and layout information from a variety of sources. The PI deliver component **350** generates custom HTML pages dynamically. These pages are customized based on a number of stylistic factors (such as background color, foreground color, font size, color and style, page layout, etc) from a variety of sources and content from a variety of sources. Information providers, distributors, the end user, the PI deliver component **350** or any combination of these sources, or other relevant sources, may provide customization factors used in the page generation. Finally, each HTML page must be filled in with data. The data used in such pages may originate from such sources as information providers, distributors, the end user, the PI deliver component **350** or any combination of these sources, or other relevant sources. The required solution is a system representing a generic algorithm for performing such HTML generation at run-time. The style and content may be provided in any suitable format such as the Extensible Stylesheet Language (XSL), as specified by W3C in http://www.w3.org/TR/WD-xsl/, which is expressly incorporated herein by reference in its entirety, and/or the Extensible Markup Language (XML) as specified by W3C in http://www.w3.org/TR/REC-xml, which is expressly incorporated herein by reference in its entirety, or other suitable formatting standard. The key requirements for such a system are complete encapsulation of the problem domain and run-time efficiency.

In preferred embodiments, the solution is based on the following basic model as depicted in FIG. **8**:

1. Six sets of customization factors are identified: distributor content **810**, provider content **820**, distributor style specification **830**, provider style specification **840**, user-specific content **850** and user-specific style **860**.
2. Each set of customization factors **810–860** is considered a separate, independent and required input to the run-time system **870** that performs dynamic page generation.
3. Each input **810–860** will be in form of an XML stream.

4. Output **880** will be in form of an HTML stream.
5. The dynamic page generation system **870** will produce valid output **880** for each set of six valid inputs **810–860**.

FIG. **9** illustrates an actual run-time sequence of input processing by such a system **870**:

1. Distributor content **810** is combined with provider content **820** and with user-specific content **850** to produce a complete content specification **930** by the content merger unit **910**.
2. Distributor style **830** is combined with provider style **840** and with user-specific style **860** to produce a complete style specification **940** by the style merger unit **920**.
3. The style specification **940** is applied by the style applicator **950** to content specification **930** in order to produce the resulting page **880**.

In order to completely encapsulate the problem domain, the following requirements must be placed on the system **870**:

1. Each XML input **810–860** is a valid XML stream.
2. All content specifications **810, 820** and **850** are valid with respect to the same Document Type Definition.
3. All style specifications **830, 840** and **860** are valid with respect to the same Document Type Definition (such as the XSL DTD standard).
4. The merging units **910** and **920** whose task is to take two or more XML streams and produce a combined XML output must be able to produce such output for any set of valid XML inputs.

Another method of performing this task would be to format PI as HTML elements with predefined CLASS attributes. The intermediary Web site receiving these elements could dynamically include them in page forwarded to the end user of the PI. The pages incorporating such elements could include different style information associated with the predefined CLASS set. Level 1 cascading style sheet convention could be used to implement such configurability. See Kerven, Foust, Zakour, *HTML 3.2 Plus How-To,* Waite Group Press, 1997, pp. 651–693; Walsh, "An Introduction to Cascading Style Sheets," *World Wide Web Journal,* Winter 1997, pp. 147–156. This option requires minimal programmatic support by the intermediary Web site but restricts to some degree the intermediary Web sites flexibility in presenting the PI to the end user.

Alternatively, an intermediary Web site could develop an application utilizing a standardized application programming interface (API) to directly access the PI data. In this instance, the PI deliver component **350** could either be bypassed or potentially used as the component responsible for servicing API requests for data. Under this model, the intermediary Web site would be responsible for all formatting decisions with respect to the raw PI data. This implementation option requires additional programmatic support by the intermediary Web site but allows for greater flexibility in the use of the raw PI.

The ability to utilize an intermediate Web site to deliver PI is of significant utility. This capability allows an end user already familiar with an existing PI provider to access not only the PI associated with the particular PI provider but also all PI from other PI providers in the comfort of a familiar user interface, namely the existing PI provider Web site. In this situation, the request for PI would directly originate with the intermediary PI provider Web site and indirectly from the end user. Security measures would restrict access to authorized intermediate Web site access. These measure might include verification of the end user and the intermediate Web site. Further, verification of the association between the end user and the particular intermediate Web site might also be required for additional security.

In addition, the use of an intermediary Web site also supports a novel transaction model. In this transaction model, the intermediary site subsidizes, or fully compensates, the PI engine administrator for services provided to the end user. These transactions are facilitated via the auditing and tracking capabilities of the PI engine. These capabilities allow the calculation of per user fees, per transaction fees, per access fees or some combination thereof to be assessed. The assessed values could be directly charged to the intermediary Web site. Alternatively, such values could be debited from a minimum monthly fee charged to the intermediary Web site with any fees beyond the minimum charged directly to the intermediary Web site.

FIG. **11** depicts a flowchart of a typical process according to the described model. The intermediary Web site pays a minimum monthly fee in step **1110**. In step **1120**, the PI engine audits and tracks end user usage via the intermediary Web site. The audited usage is used to assess a fee on a per user, per access, per transaction or combination basis. In step **1130**, this audited amount is debited from the fee paid in step **1110**. In step **1140**, the intermediary Web site is charged for any fees in excess of the minimum fee paid.

Often an end user may require access to the underlying Web page generated by the provider of a particular piece of PI. The delivery component may deliver not only the PI but also an access point directly to the provider's page supplying that PI. The access point may take the form of a link, a form button or some other interactive access mechanism.

Such an access point significantly improves the efficiency of accessing the underlying page by the end user as exhibited by FIG. **7**. In the traditional process **100** for accessing PI, the end user must proceed through numerous intermediary pages requiring a variety of often tedious interactions before reaching the desired page.

The end user must first identify the Provider **110**. Next, the end user must locate the Provider's Web address **120**. Then, the user the requests the Provider's login page **130**. If the end user does not remember the requisite information, this information must be found, or the desired information will remain inaccessible via the Web. The end user then navigates the Provider's Web site **140**. This often entails visiting the Provider's main page **710** followed by viewing a variety of intermediate pages on the Provider's site **720**. The end user may have to backtrack several times to the main page **710** or accidentally leave the system entirely forcing a second login **140** before finally locating the desired information **150**.

Utilizing springboard technology, the entire process **750** is streamlined into the single click of an access point. The delivery component of the PI Engine delivers an access point to the Provider's underlying page along with the PI. As a consequence, the end user need only perform a single interaction with the PI presentation page **760**. This interaction immediately performs the requisite interactions with the Provider's Web site to bring the user to the desired underlying Web page **150**.

In one embodiment, this springboard technology could be implemented utilizing a Java applet. With respect to FIG. **2**, the applet would be downloaded from the PI Host **290** by the end user's client software **270**, usually a Web browser, and executed locally by the end user's computer **220**. The applet would drive the client software **270** to the desired page. Such an applet could retrieve procedures and data for driving the client software from the Provider store **310** and the User store**360**.

In a further embodiment, the PI engine **240** could act as a proxy server directly accessing the Provider store **310** and the User store **360** as required. When the PI engine **240** receives the request to jump to the source of a particular piece of PI, the engine performs the necessary actions to navigate to the desire page and forwards the desired page to the end user's computer **220**. Further interactions with the page might require additional proxying by the PI engine **240** as accumulated cookie data may reside on the PI Host **290**. This embodiment is limited to use in handling standard HTTP traffic rather than secure HTTP traffic.

In a preferred embodiment, the springboard provides the end user with automated login into the PI Provider site **250** and allows the end user **210** to navigate via the client software **270**. This automated login could be accomplished through the utilization of a hypertext transfer protocol (HTTP) redirect. Upon receiving the a springboard access request from the end user **210** via the client software **270**, the PI Host **290** requests the login page from the PI Provider site **250** targeted by the springboard access. The PI engine **240** running on the PI Host **290** receives this login page and constructs a login request by accessing the proper data in the Provider store **310** and the User store **360**. The login request is embedded in the HTTP redirect which is forward to the client software **270**. The client software **270** is redirected to the targeted PI Provider site **250**, and the end user **210** is automatically logged into this site.

Alternatively, this functionality could be implemented via a Java applet as described above. In addition, the PI engine **240** could generate a Javascript page containing the pertinent login request rather than an HTTP redirect. The Javascript page could be returned to the client software **270**. This page would then be executed by the client software **270** to accomplish the automated login.

The PI engine **240** of FIG. **3** may also include a site monitor **370** processing component. This component would systematically monitor supported PI provider Web sites for changes. This component enhances the ability of the system to identify alterations in PI provider Web site procedures, data requirements and cookies requirements. This component increases system efficiency by supplementing or supplanting alteration identification via feedback from the PI access/transact component **340**.

A further embodiment of the present invention might support the localize manipulation of PI. This could be accomplished where the client software **270** running on the client computer **220** in FIG. **2** is a specialized Web client rather than a general Web client such as Netscape. This specialized client might utilize Web channel technology to automate the local PI download and update processes. Where the PI store is implemented via the aforementioned cookie architecture, this specialized client may provide direct local access to stored PI.

In another embodiment, the PI engine **240** of FIG. **3** might support both system supported PI providers as well as PI providers specific to particular end users. In this embodiment, an end user is not limited to PI available from PI providers present in the Provider store **310**. For an end user to add PI provided by a non-supported PI provider, the end user would access the Baseline configure component **320** and create a configuration for the non-supported PI provider. The PI provider and PI configuration along with the verification and access data would be stored along with the user's record in the user store **360**.

A further embodiment of the present invention supports the inclusion of PI transaction procedures and access requirements in the Provider store **310** of FIG. **3**. The end user specific information necessary to realize such a transaction would reside with the user record in the user store **360**. The functionality of the PI access/transact component **340** would expand to support the performance of transactions. This additional functionality could be supported in a manner similar to the procedure described above with respect to performance of access utilizing a simulated Web client. A further feature of this embodiment would include automated or semi-automated account management by providing trigger events to automatically initiate a transaction.

For instance, with reference to FIG. **2** an end user **210** would be able to maintain his/her accounts online through the PI Engine **240**. If an information provider has the capability of receiving payments online, the PI Engine **240** could support complete or partial automation of such transactions. If there is a billing due date for a certain information provider, PI Engine **240** could flag that information and send email to the end user **210** notifying him/her of the bill due. Thus, the user will not have to check each of his/her providers individually for due date information. The PI Engine **240** could also automated payments on a limited range of billing amount for providers who allow payments over their Web servers **260**, then send an email to the user with the notification of payment.

Due date acquisition could be accomplished utilizing the PI access/transact component **340** seen in FIG. **3**. The due date information would be available to the end user via any delivery means supported by the PI deliver component **350**. The PI access/transact component **340** would use standard e-commerce bill-paying methods to pay the user's bill/s to the provider if he/she chooses. Once the bill is paid, then an email notification will be sent to the user with the provider information and payment information. The user can specify the range of amount stored in the user store **360** that will be paid automatically. If the bill exceeds the amount specified by the user, then PI engine will simply send out an email notification to the user instead of paying the bill automatically.

The embodiments described above are given as illustrative examples only. It will be readily appreciated that many deviations may be made from the specific embodiment disclosed in this specification without departing from the invention. Accordingly, the scope of the invention is to be determined by the claims below rather than being limited to the specifically described embodiments above.

What is claimed is:

1. A method for delivering non-public personal information relating to an end user via a wide-area computer network to an end user from at least one of a plurality of information providers securely storing the personal information under control of a processor located remotely from the information providers and the end user, the method comprising the steps of:

(a) the processor connecting with at least one information provider;

(b) for a selected end user, the processor retrieving personal information for the selected end user from the connected at least one information provider based on end user data associated with the selected end user and information provider data associated with the connected one or more information providers, the end user data including information identifying the plurality of information providers securely storing the personal information relating to the end user, the provider data including a protocol for instructing the processor how to access the securely stored personal information via the network, the information accessible to the processor using the protocol also being accessible by the end user via the network independently of the system for delivering personal information; and

(c) the processor storing the retrieved personal information in a personal information store for access by the selected end user.

2. The method of claim 1, further comprising the step of monitoring information providers for changes.

3. The method of claim 1, further comprising the step of updating the provider store to conform with requirements of the information provider.

4. The method of claim 1, further comprising the step of executing a transaction for the selected end user with a selected information provider based on the accessed end user and the accessed information provider data associated with the selected information provider.

5. The method of claim 4, wherein the execution step is triggered according to the accessed end user data.

6. The method of claim 1, further comprising the step of outputting the personal information associated with the selected end user from the personal information store.

7. The method of claim 6, wherein the outputting step outputs the personal information to a delivery platform specified in the accessed end user data.

8. The method of claim 7, wherein the specified delivery platform is selected from the group consisting of electronic mail, facsimile, pager, telephone, wireless device, ftp server, Web server, gopher server and Web client.

9. The method of claim 6, wherein the outputting step outputs the personal information via a world wide web site.

10. The method of claim 9, wherein the outputting step outputs personal information as a formatted Web page to the world wide web site.

11. The method of claim 9, wherein the outputting step outputs personal information as formatted Web elements to the world wide web site.

12. The method of claim 9, wherein the outputting step outputs personal information data to the world wide web site.

13. The method of claim 1, wherein the connecting step comprises the substeps of:

(i) accessing the end user data associated with the selected end user;

(ii) identifying information providers specified in the accessed end user data; and

(iii) establishing a communication link with each of the identified information providers.

14. The method of claim 1, further comprising the step of outputting the retrieved personal infonmation to an intermediary web site, wherein the intermediary web site has an associated user interface format.

15. The method of claim 14, wherein the retrieved personal information is output to the intermediary web site in a format other than the format associated with the intermediary web site.

16. The method of claim 14, wherein the intermediary web site outputs the retrieved personal information to a web client, and the web client displays the retrieved personal infonmation.

17. The method of claim 16, wherein the web client displays the retrieved personal information in the format associated with the intermediary web site.

18. A computer-readable, digital storage device storing executable instructions which cause a processor to deliver non-public personal information relating to an end user from at least one of a plurality of information providers securely storing the personal information to the end user via a wide-area computer network by performing the steps comprising of:

(a) connecting with at least one information provider;

(b) for a selected end user, retrieving personal information for the selected end user from the connected at least one information provider based on end user data associated with the selected end user and information provider data associated with the connected one or more information providers, the end user data including information identifying the plurality of information providers securely storing the personal information relating to the end user, the provider data including a protocol for instructing the processor how to access the securely stored personal information via the network, the information accessible to the processor using the protocol also being accessible by the end user via the network independently of the system for delivering personal information; and

(c) storing the retrieved personal information in a personal information store.

19. The storage device of claim 18, further storing executable instructions to perform the connecting step by performing substeps comprising of:

(i) accessing the end user data associated with the selected end user;

(ii) identifying information providers specified in the accessed end user data; and

(iii) establishing a communication link with each of the identified information providers.

20. A system for delivering non-public personal information relating to an end user via a network from at least one of a plurality of information providers, the information providers securely storing the personal information, the system comprising:

(a) a user store for storing end user data associated with each end user, the user store including information identifying the plurality of information providers securely storing the personal information relating to the end user;

(b) a provider store for storing information provider data associated with each information provider, the provider data including a protocol for instructing the processor how to access the securely stored personal information via the network, the information accessible to the processor using the protocol also being accessible by the end user via the network independently of the system for delivering personal information;

(c) a personal information store for storing personal information associated with each end user retrieved from the information providers;

(d) a processor in communication with the user store, the provider store and the personal information store, for performing the steps of:

(i) connecting with at least one information provider;

(ii) for a selected end user, retrieving personal information for the selected end user from the connected at least one information provider based on end user data associated with the selected end user and information provider data associated with the connected one or more information providers; and

(iii) storing the retrieved personal information in the personal information store for accessible to the selected end user.

21. The system of claim 20, wherein the processor performs the additional step of monitoring information providers for changes.

22. The system of claim 20, wherein the processor performs the additional step of updating the provider store to conform with requirements of the information provider.

23. The system of claim 20, wherein the processor performs the additional step of executing a transaction for the selected end user with a selected information provider based on the end user data associated with the selected end user and the information provider data associated with the selected information provider.

24. The system of claim 23, wherein the processor automatically performs the transaction execution step according to end user data in the user store.

25. The system of claim 20, wherein the processor performs the additional step of outputting the personal information associated with the selected end user from the personal information store.

26. The system of claim 25, wherein the outputting step performed by the processor outputs the personal information to a delivery platform specified in the end user data associated with the selected end user.

27. The system of claim 26, wherein the specified delivery platform is selected from the group consisting of electronic mail, facsimile, pager, telephone, wireless device, ftp server, Web server, gopher server and Web client.

28. The system of claim 25, wherein the outputting step of the processor outputs the personal information via a world wide web site.

29. The system of claim 28, wherein the outputting step of the processor outputs personal information as a formatted Web page to the world wide web site.

30. The system of claim 28, wherein the outputting step of the processor outputs personal information as formatted Web elements to the world wide web site.

31. The system of claim 28, wherein the outputting step outputs personal information data to the world wide web site.

32. The system of claim 20, wherein the connecting step of the processor performs the following substeps:

(A) accessing the end user data associated with the selected end user;

(B) identifying information providers specified in the accessed end user data; and

(C) establishing a communication link with each of the identified information providers.

33. The system of claim 20, further including an intermediary web site having an associated user interface format, wherein the processor performs the additional step of outputting the retrieved personal information to the intermediary web site.

34. The system of claim 33, wherein the retrieved personal information is output by the processor to the intermediary web site in a format other than the format associated with the intermediary web site.

35. The system of claim 33, further including a web client, wherein the intermediary web site outputs the retrieved personal information to the web client, and the web client displays the retrieved personal information.

36. The system of claim 35, wherein the web client displays the retrieved personal information in the format associated with the intermediary web site.

* * * * *

ORIGINAL

(2)

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

YODLEE, INC., Plaintiff, v. BLOCK FINANCIAL CORPORATION, H&R BLOCK GROUP, INC. Defendants.	Civil Action No. 03-600 JURY TRIAL DEMANDED

NOTICE OF RELATED CASE

Plaintiff Yodlee, Inc. ("Yodlee") submits this Notice to inform the Court of the nature of the relationship between the present action and the existing litigation styled *Simplification LLC v. H & R Block Inc.* CA 03-355-JJF. The cases involve the same Defendant, Block Financial Corporation ("Block Financial").[1] While CA 03-355-JJF originally named H&R Block, Inc. as Defendant, the Complaint in that case was later amended to substitute Block Financial for H&R Block.[2]

The same software technology is accused of infringement in both cases. CA 03-355-JJF is a patent infringement action involving Block Financial's TaxCut software product, and the present action involves the on-line version of that same software. Accordingly, Yodlee expects substantial overlap regarding document discovery on the accused products, the testimony of witnesses regarding the operation of accused products, and the technology background for claim construction. Having this case and CA 03-355-

[1] There is also a currently pending case in the Western District of Missouri between Block Financial and Yodlee, entitled *Block Financial v. Yodlee*, CA 02-0095-CV-1-ECF (W.D. Mo.). That litigation does not involve the accused products here and does not involve Block's tax products at all.

[2] The present complaint names both Block Financial Corp and its immediate parent company, H&R Block Group, Inc. as defendants.

JJF before different Judges would entail significant duplication of labor. Judicial economy will be best served by having this matter and CA 03-355-JJF heard by the same Judge.

Dated: June 25, 2003

FISH & RICHARDSON P.C.

By: ______________________________

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(3)

REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK

TO: Commissioner of Patents and Trademarks
Washington, D.C. 20231

In compliance with 35:290 and/or 15 U.S.C. 1116 you are hereby advised that a court action has been filed on the following patent(s)/trademarks in the U.S. District Court:

DOCKET NO.	DATE FILED	U.S. DISTRICT COURT
CA 03-0600	06/25/03	District of Delaware

PLAINTIFF	DEFENDANT
Yodlee Inc.	Block Financial Corp

	PATENT/TRADEMARK NO.	DATE OF PATENT/TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1	US 6,317,783 B1	11/13/01	Verticalone Corp.

In the above-entitled case, the following patent(s) have been included:

DATE INCLUDED **INCLUDED BY**
[ ] Amendment [ ] Answer [ ] Cross Bill [ ] Other Pleading

	PATENT/TRADEMARK NO.	DATE OF PATENT/TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1			
2			
3			
4			
5			

In the above-entitled case, the following decision has been rendered or judgment issued:

DECISION/JUDGMENT

CLERK	(BY) DEPUTY CLERK	DATE
PETER T. DALLEO, CLERK		06/26/03

REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK

TO: Commissioner of Patents and Trademarks
Washington, D.C. 20231

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PLAINTIFF	DEFENDANT
Yodlee Inc.	Block Financial Corp

	PATENT/TRADEMARK NO.	DATE OF PATENT/TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1	US 6,317,783 B1	11/13/01	Verticalone Corp.

In the above-entitled case, the following patent(s) have been included:

DATE INCLUDED **INCLUDED BY**
[ ] Amendment [ ] Answer [ ] Cross Bill [ ] Other Pleading

	PATENT/TRADEMARK NO.	DATE OF PATENT/TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1			
2			
3			
4			
5			

In the above-entitled case, the following decision has been rendered or judgment issued:

DECISION/JUDGMENT

CLERK	(BY) DEPUTY CLERK	DATE
PETER T. DALLEO, CLERK		06/26/03

United States District Court
District of Delaware

4

YODLEE, INC.,

Plaintiff,

v.

BLOCK FINANCIAL CORPORATION,
H&R BLOCK GROUP, INC.

Defendant.

SUMMONS IN A CIVIL ACTION

CASE NUMBER: 03-600

TO: **H & R BLOCK GROUP, INC.**
C/O GRIFFIN CORPORATE SERVICES, INC.
300 DELAWARE AVENUE
9TH FLOOR
WILMINGTON DE 19801

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

William J. Marsden, Jr.h
Fish & Richardson P.C.
901 Market Street, Suite 400
P.O. Box 1114
Wilmington, DE 19899-1114

an answer to the complaint which is herewith served upon you, within twenty (20) days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

PETER T. DALLEO
CLERK

6/27/03
DATE

Beth Dinan
BY DEPUTY CLERK

RETURN OF SERVICE

Service of the Summons and Complaint was made by me[1]	DATE 6/27/03
NAME OF SERVER (PRINT) GARY IRELAND	TITLE SPECIAL PROCESS SERVER

Check one box below to indicate appropriate method of service

☐ Served personally upon the defendant. Place where served:

☐ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.
Name of person with whom the summons and complaint were left:

☐ Returned unexecuted:

☒ Other (specify): PERSONALLY DELIVERED TO GRIFFIN CORPORATE SERVICES INC, (300 DELAWARE AVE, WILM DE 19801) ON BEHALF OF H+R BLOCK GROUP, INC, AT 1:04PM
~~ACCEPTED BY: DELORES FOSTER~~

STATEMENT OF SERVICE FEES

TRAVEL	SERVICES	TOTAL

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on 6/27/03
Date

Signature of Server [signature]

Address of Server PARCELS INC
4 E 7TH St
WILM DE 19801

[1]) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

United States District Court
District of Delaware

5

YODLEE, INC.,

Plaintiff,

v.

BLOCK FINANCIAL CORPORATION,
H&R BLOCK GROUP, INC.

Defendant.

SUMMONS IN A CIVIL ACTION

CASE NUMBER:

03-600

TO: **BLOCK FINANCIAL CORPORATION**
C/O CORPORATION TRUST CENTER
1209 ORANGE STREET
WILMINGTON DE 19801

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

William J. Marsden, Jr.
Fish & Richardson P.C.
901 Market Street, Suite 400
P.O. Box 1114
Wilmington, DE 19899-1114

an answer to the complaint which is herewith served upon you, within twenty (20) days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

PETER T. DALLEO
CLERK

6/27/03
DATE

Beth Dugan
BY DEPUTY CLERK

RETURN OF SERVICE

Service of the Summons and Complaint was made by me[1]	DATE 6/27/03
NAME OF SERVER (PRINT) JOHN CZERWINSKI	TITLE SPECIAL PROCESS SERVER

Check one box below to indicate appropriate method of service

☐ Served personally upon the defendant. Place where served:

☐ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.
Name of person with whom the summons and complaint were left:

☐ Returned unexecuted:

☒ Other (specify): PERSONALLY SERVED BLOCK FINANCIAL CORPORATION BY SERVING THEIR REGISTERED AGENT THE CORPORATION TRUST CO, AT 1209 ORANGE ST. WILM DE 19801 AT 12:21PM. ACCEPTED BY ALAN STACHURA

STATEMENT OF SERVICE FEES

TRAVEL	SERVICES	TOTAL

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on 6/27/03
Date

Signature of Server John Czerwinski

Address of Server PARCELS INC
4 E 7TH ST
WILM DE 19801

[1]) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

6

Yodlee Inc.	)	doc # 6
	)	
v.	)	CA 03-0600-JJF
	)	
Block Financial Corp et al.	)	
	)	**PLEASE DIRECT ALL INQUIRIES TO 573-6155**

NOTICE OF ASSIGNMENT OF JUDGE

Please note the above captioned case has been assigned to Judge Joseph J. Farnan Jr. When filing papers, please include the initials of the Judge assigned to the case.

Peter T. Dalleo
CLERK

Date: 07/02/03

To: The Honorable Joseph J. Farnan Jr.
William J. Marsden Jr., Esq.

ORIGINAL

7

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF DELAWARE

YODLEE, INC., Plaintiff, v. BLOCK FINANCIAL CORPORATION, H&R BLOCK GROUP, INC., Defendant.	)	C.A. No. 03-600-JJF

STIPULATION AND ORDER

The parties hereby stipulate and agree, subject to the approval of the Court, that the time for defendants Block Financial Corporation and H&R Block Group, Inc. to answer, move, or otherwise respond to the complaint shall be extended through and including August 18, 2003.

FISH & RICHARDSON P.C.

William J. Marsden, Jr. (#2247)
Timothy Devlin (#4241)
919 N. Market Street
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The Brandywine Building
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Wilmington, DE 19899-0391
(302) 571-6600
Attorneys for Defendant

IT IS SO ORDERED this 17 day of July, 2003.

United States District Judge

WP3:907592.1 99999.1245

UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE

8

CHAMBERS OF
JOSEPH J. FARNAN, JR.
JUDGE

LOCKBOX 27
844 KING STREET
U.S. COURTHOUSE
WILMINGTON, DELAWARE 19801
(302) 573-6155

July 29, 2003

William J. Marsden, Jr., Esquire
Fish & Richardson, P.C.
P. O. Box 1114
Wilmington, DE 19899

John W. Shaw, Esquire
Young, Conaway, Stargatt & Taylor
P. O. Box 391
Wilmington, DE 19899

RE: Yodlee Inc., v. Block Financial Corp., et al.
Civil Action No. 03-600 JJF

Dear Counsel:

A telephonic Rule 16 Scheduling Conference will be held on **Wednesday, August 13, 2003 at 9:00 a.m.** for fifteen (15) minutes. **Counsel for the Plaintiff(s) shall arrange the call.**

Enclosed is a sample form of Order which should serve as a basis for discussion between counsel prior to the conference. The Court schedules trial to commence within sixteen (16) months from the date of filing. When discussing the schedule for this matter, please account for all the events that can adversely affect your preparation for the trial. The Court understands that this is not your only file; however, the trial date is a firm date and it will arrive quickly. Please be prepared to provide the Court with the agreed upon dates and discovery limitations, as well as any helpful suggestions for the just, speedy and inexpensive determination of this action.

In order for the Court to prepare for the conference, please submit all documents regarding the Scheduling Conference at least **three (3) business days** in advance of the above date.

The parties shall direct any requests or questions regarding the scheduling and management of the above matter to Case Manager Debbie Krett at (302) 573-6168.

Sincerely,

JOSEPH J. FARNAN, JR.

JJFjr:dk
Enclosure
cc: Clerk, U.S. District Court

GINAL (9

YOUNG CONAWAY STARGATT & TAYLOR, LLP

BRUCE M. STARGATT
STUART B. YOUNG
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SHELDON N. SANDLER
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August 11, 2003

BY HAND DELIVERY

The Honorable Joseph J. Farnan, Jr.
United States District Court
844 North King Street
Wilmington, DE 19801

Re: Yodlee, Inc. v. Block Financial Corporation, C.A. No. 03-600-JJF

Dear Judge Farnan:

I write on behalf of defendants in anticipation of the telephonic Rule 16 conference set for Wednesday, August 13, 2003, at 9:00 a.m. We have conferred with plaintiff concerning a proposed schedule, as ordered by the Court, and plaintiff is writing on behalf of both parties concerning the proposed schedule. Defendants are writing separately because, they respectfully submit, entry of a schedule and opening of discovery is premature at this time.

This action was filed on June 25, 2003, and defendants' response to the complaint is due August 18, 2003. On or before August 18, defendants intend to move to transfer to the Western District of Missouri, where there is a prior pending action between plaintiff Yodlee, Inc. and defendant Block Financial Corporation. Because of the motion to transfer, it is premature under McDonnell Douglas Corp. v. Polin, 429 F.2d 30 (3d Cir. 1970), to enter a schedule or to permit the parties to engage in merits discovery.

Specifically, in McDonnell Douglas, the Third Circuit Court of Appeals issued a writ of mandamus to compel the district court to decide a motion to transfer before permitting the parties to engage in any merits discovery. According to the Court:

> To undertake a consideration of the merits of the action is to assume, even temporarily, that there will be no transfer before the transfer issue is decided. Judicial economy requires that another district court should not burden itself with the merits of the action until it is decided that a transfer should be effected and such consideration additionally requires that the court which ultimately decides the merits of the action should also decide the various questions which arise during the pendency of the suit instead of considering it in two courts.

Id. at 30. See also id. at 31 ("only if the court should deny the motion to transfer should discovery be permitted to go forward").

In light of McDonnell Douglas, defendants respectfully request that the Court postpone the Rule 16 Scheduling Conference until September, after the briefs on the motion to transfer have been completed.

Respectfully submitted,

John W. Shaw

:bjp
Enclosure
cc: Clerk of the Court (by hand delivery)
David Barkan, Esquire (by facsimile)
William J. Marsden, Jr., Esquire (by hand delivery)

FISH & RICHARDSON P.C.

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VIA HAND DELIVERY

August 11, 2003

Honorable Joseph J. Farnan Jr.
United States District Court
District of Delaware
Lockbox 27
844 King Street
U.S. Courthouse
Wilmington, Delaware 19801

Re: Yodlee Inc. v. Block Financial Corp., et al.
Civil Action No. 03-600 JJF

Dear Judge Farnan:

This letter responds to Block Financial's letter of August 11, 2003 in which Block requests that the initial scheduling conference in this matter be delayed so that Block can file a motion to transfer.

Block's request should be denied for several reasons. First, motions to transfer in this jurisdiction and are regularly denied on facts similar to those present here. Plaintiff and all defendants are Delaware corporations. Block's motion will be based almost exclusively on the fact that there is pending litigation between Yodlee and Block in the Western District of Missouri. But, there is also pending litigation before Your Honor involving both Block and the specific Block product accused of infringement in this action. That litigation is entitled Simplification LLC v. H&R Block CA 03-355 JJF. As will be explained in Yodlee's opposition to Block's motion to transfer, the factual and legal issues in this action have far more in common with the pending Simplification-Block matter in Delaware than they do with the Missouri litigation.

Finally, the parties have already met and conferred and agreed on a proposed schedule. Since there is a great likelihood that this case will remain in the District of Delaware, it is in the interest of all parties and the Court to establish a schedule as soon as possible.

For the reasons explained above, Yodlee requests that the Rule 16 conference be held on August 16, 2003 at 9:00 a.m. as currently scheduled.

Very truly yours,

William J. Marsden, Jr.

WJM/jrm

cc: Clerk, U.S. District Court (by hand)
John W. Shaw, Esq. (by hand)

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11

..AL

August 8, 2003

Honorable Joseph J. Farnan Jr.
United States District Court
District of Delaware
844 King Street
Wilmington, Delaware 19801

Re: Yodlee Inc. v. Block Financial Corp., et al.
Civil Action No. 03-600 JJF

Dear Judge Farnan:

In connection with the proposed Rule 16 schedule for the referenced case, the parties would like to discuss the following issues during our upcoming telephone conference:

- The parties respectfully suggest that the each be restricted to 100 hours of deposition time, instead of a set number of depositions.

- The parties would like to confirm with the Court that following the taking of depositions they will be able to propound follow-up discovery.

- The parties propose having the order of expert reports follow the parties' respective burdens of proof. Each party would file reports on the issues on which it bears the burden of proof by June 23, 2004, with responsive reports to follow by July 10, 2004.

- The parties have also proposed interim dates requiring them to meet and confer in order to narrow the claim construction issues presented during the Markman hearing and setting dates for opening and responsive briefs on claim construction.

- All dates involving Court hearings are proposed on based on the parties' best estimates and the parties of course expect those dates to be set based on the Court's availability.

Thank you for your consideration regarding these issues. The parties also submit with this letter a proposed order regarding the schedule for this matter.

Respectfully submitted,

William J. Marsden, Jr.

WJM/kxk
Enclosure

80015226.doc

cc: Clerk, U.S. District Court (By Hand Delivery)
John Shaw, Esq. (By Hand Delivery) (w/enc.)

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

YODLEE, INC., Plaintiff, v. BLOCK FINANCIAL CORPORATION, H&R BLOCK GROUP, INC., Defendants.	Civil Action No. 03-600 JJF JURY TRIAL DEMANDED

PROPOSED] RULE 16 SCHEDULING ORDER

The parties having satisfied their obligations under Fed. R. Civ. P. 26(f), and the Court having conducted a scheduling conference pursuant to Fed. R. Civ. P. 16 and D. Del. LR 16.2(a) and (b),

IT IS ORDERED that:

1. **Pre-Discovery Disclosures.** The parties will exchange [Initial Disclosures] by October 15, 2003 the information required by Fed. R. Civ. P. 26(a)(1) and D. Del. LR 16.2.

2. **Joinder of other parties.** All motions to join other parties shall be filed on or before March 5, 2004.

3. **Discovery.**

(a) Exchange and completion of contention interrogatories, identification of fact witnesses and document production shall be commenced so as to be completed by April 7, 2004. Each party to exchange initial claim construction position including identification of all supporting references by February 27, 2004.

(b) Maximum of 25 interrogatories, including contention interrogatories, for each side.

(c) Maximum of 50 requests for admission by each side.

(d) Maximum of 100 hours of depositions by plaintiff and 100 hours by defendants, excluding expert depositions. All fact depositions shall be completed by June 6, 2004 unless otherwise agreed upon by the parties.

(e) Reports from retained experts required by Fed. R. Civ. P. 26(a)(2) are due from each party on the issues on which it bears the burden of proof by June 23, 2004; responsive rebuttal reports shall be due from each party by July 21, 2004.

(f) Any party desiring to depose an expert witness shall notice and complete said deposition by August 10, 2004.

4. **Discovery Disputes.**

(a) A party seeking discovery which the opposing party refuses to provide shall file a motion (no brief) pursuant to Rule 37 of the Federal Rules of civil Procedure and Local Rule 37.1. Said motion shall not exceed a total of four (4) pages. An Answer to the Rule 37 motion, not to exceed four (4) pages, shall be filed within five (5) days of service of the motion. No reply is permitted.

(b) All papers shall set forth in a plain and concise manner the issue(s) in dispute, the party's position on the issue(s), and the reasons for the party's position.

(c) Upon receipt of the Answer, the movant shall notify Chambers by e-mail at **jjf_civil@ded.uscourts.gov** that the dispute is ready for decision.

(d) Upon receipt of the movant's e-mail, the Court will determine whether a conference is necessary and advise the parties accordingly.

(e) There is no limit on the number of Rule 37 motions a party may file, unless otherwise ordered by the Court.

5. **Amendment of the Pleadings.** All motions to amend the pleadings shall be filed on or before March 5, 2004.

6. **Case Dispositive Motions.** Any case dispositive motions, pursuant to the Federal Rules of Civil Procedure, shall be served and filed with an opening brief on or

before August 26, 2004. Answering briefs shall be filed on September 16, 2004, and reply briefs shall be filed on September 30, 2004. No case dispositive motion may be filed more than ten (10) days from the above date without leave of the Court.

7. **Claim Construction.** The parties shall file their opening briefs on claim construction on or before September 7, 2004. Answering briefs shall be filed on September 21, 2004. A claim construction hearing, if needed, shall be conducted on October ____ 2004. The parties shall meet and confer on August 12, 2004 to confirm those claim terms and definitions that are in dispute.

8. **Applications by Motion.**

(a) Any applications to the Court shall be by written motion filed with the Clerk of the Court in compliance with the Federal Rules of Civil Procedure and the Local Rules of Civil Practice for the United States District Court for the District of Delaware (Amended Effective January 1, 1995). Any non-dispositive motion shall contain the statement required by D. Del. LR 7.1.1. Parties may file stipulated and unopposed Orders with the Clerk of the Court for the Court's review and signing. The Court will not consider applications and requests submitted by letter or in a form other than a motion.

(b) No telephone calls shall be made to Chambers.

(c) Any party with a true emergency matter requiring the assistance of the Court shall e-mail Chambers at: **jjf_civil@ded.uscourts.gov**. The e-mail shall provide a short statement describing the emergency.

9. **Pretrial Conference.** A Pretrial conference will be held on January 13, 2005 at ______.m., in Courtroom No. 4B on the 4th Floor, Boggs Federal Building, Wilmington, Delaware. The Federal Rules of Civil Procedure and Rule 16.4 of the Local Rules of Civil Practice for the United States District Court for the District of Delaware (Amended Effective January 1, 1995) shall govern the pretrial conference.

10. **Trial.** Trial will commence at 9:30 a.m. on February 10, 2005, in Courtroom No. 4B on the 4th Floor, United States Courthouse, Boggs Federal Building, Wilmington, Delaware.

11. **Other Matters.** (Any other matter a party desires the Court to address shall be submitted in writing at least four (4) business days before the Rule 16 Scheduling Conference.)

Dated: ____________, 2003

____
UNITED STATES DISTRICT JUDGE

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ORIGINAL

12

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August 12, 2003

BY HAND DELIVERY

The Honorable Joseph J. Farnan, Jr.
United States District Court
844 North King Street
Wilmington, DE 19801

Re: Yodlee, Inc. v. Block Financial Corporation, C.A. No. 03-600-JJF

Dear Judge Farnan:

I write on behalf of defendants to briefly respond to the August 11, 2003 letter of plaintiff Yodlee, Inc. asking that the Rule 16 Scheduling Conference not be deferred.

First, we respectfully submit that the fact defendants participated in the discovery planning process, as required by the Court, is not relevant to the question of whether this is an appropriate time to proceed with the Rule 16 Scheduling Conference.

Second, the motion to transfer has not yet been briefed, and the motion should not be prejudged based on two short letters of the parties. As the transfer moving papers will explain, the fact of Delaware incorporation is not a barrier to transfer, particularly where, as here, the parties have litigated related subject matter for eighteen months in the district to which transfer is sought.

Finally, Yodlee does not explain why McDonnell Douglas Corp. v. Polin, 429 F.2d 30 (3d Cir. 1970), in which the Third Circuit held that transfer motions should be decided before merits discovery commences, should not be followed.

Respectfully submitted,

John W. Shaw

JWS:bjp
Enclosure
cc: Clerk of the Court (by hand delivery)
David Barkan, Esquire (by facsimile)
William J. Marsden, Jr., Esquire (by hand delivery)
Jeffrey Standley, Esquire (by facsimile)

14

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DISTRICT OF DELAWARE

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

YODLEE, INC., Plaintiff, v. BLOCK FINANCIAL CORP., H & R BLOCK, INC., Defendants.	:	Civil Action No. 03-600 JJF

MEMORANDUM ORDER

Counsel for a party who files a motion for summary judgment pursuant to Rule 56 of the Federal Rules of Civil Procedure shall, at the time of filing the motion, also file a Statement certifying that no genuine issues of material fact exist with regard to the facts argued in support of the motion.

Any party opposing the motion may, within the time provided by Rule 56 and after reviewing the motion, opening brief, appendix and Statement, file a Counter-Statement certifying that genuine issues of material fact exist and setting forth the material facts the party contends are disputed. The Counter-Statement shall be filed in lieu of an answering brief. The movant shall file a response to the Counter-Statement within five (5) business days of service of the Counter-Statement.

The parties shall file no additional papers regarding the Motion for Summary Judgment until the Court decides whether factual disputes exist that would prohibit summary disposition.

If the Court decides that there are no factual disputes, an answering brief and reply brief will be ordered.

8/14/03
DATE

Joseph J. Fama
UNITED STATES DISTRICT JUDGE

15

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

YODLEE, INC.,	:	
Plaintiff,	:	
v.	:	Civil Action No. 03-600 JJF
BLOCK FINANCIAL CORP., H & R BLOCK, INC.,	:	
Defendants.	:	

RULE 16 SCHEDULING ORDER

The parties having satisfied their obligations under Fed. R. Civ. P. 26(f), and the Court having conducted a scheduling teleconference on Wednesday, August 13, 2003 pursuant to Fed. R. Civ. P. 16 and D. Del. LR 16.2(a) and (b),

IT IS ORDERED that:

1. **Pre-Discovery Disclosures.** The parties will exchange by **October 15, 2003** the information required by Fed. R. Civ. P. 26(a)(1) and D. Del. LR 16.2.

2. **Joinder of other Parties.** All motions to join other parties shall be filed on or before **March 5, 2004**.

3. **Discovery.**

(a) Exchange and completion of contention interrogatories, identification of fact witnesses and document production shall be commenced so as to be completed by **April 7, 2004.** Each party to exchange initial claim construction position including identification of all supporting references by **February**

27, 2004.

(b) Maximum of **25** interrogatories, including contention interrogatories, for each side.

(c) Maximum of **50** requests for admission by each side.

(d) Maximum of **100 hours** of depositions by plaintiff(s) and **100 hours** by defendant(s), excluding expert depositions. Depositions shall not commence until the discovery required by Paragraph 3(a, b and c) is completed. All fact depositions shall be completed by **June 6, 2003** unless otherwise agreed upon by the parties.

(e) Reports from retained experts required by Fed. R. Civ. P. 26(a)(2) are due from each party on the issues on which it bears the burden of proof by **June 23, 2004**; responsive rebuttal reports shall be due from each party by **July 21, 2004.**

(f) Any party desiring to depose an expert witness shall notice and complete said deposition by **August 10, 2004** as agreed by the parties or otherwise ordered by the Court.

4. **Discovery Disputes.**

(a) A party seeking discovery which the opposing party refuses to provide shall file a motion (no brief) pursuant to Rule 37 of the Federal Rules of Civil Procedure and Local Rule 37.1. Said motion shall not exceed a total of four (4) pages and must specify that the filing is pursuant to the Discovery Dispute procedures provided in this paragraph. An Answer to the Rule 37 motion, not to exceed four (4) pages, shall be filed within five (5) days of service of the motion. No reply is permitted.

(b) All papers shall set forth in a plain and concise manner the issue(s) in dispute, the party's position on the issue(s), and the reasons for the party's position.

(c) Upon receipt of the Answer, the movant shall notify Chambers by e-mail at jjf_civil@ded.uscourts.gov that the dispute is ready for decision.

(d) Upon receipt of the movant's e-mail, the Court will determine whether a conference is necessary and advise the parties accordingly.

(e) There is no limit on the number of Rule 37 motions a party may file, unless otherwise ordered by the Court.

5. **Amendment of the Pleadings.** All motions to amend the pleadings shall be filed on or before **March 5, 2004**.

6. **Case Dispositive Motions**. Any case dispositive motions, pursuant to the Federal Rules of Civil Procedure, shall be served and filed with an opening brief on or before **August 26, 2004**. Answering briefs shall be filed on **September 16, 2004,** and reply briefs shall be filed on **September 30, 2004.** No case dispositive motion may be filed more than ten (10) days from the above date without leave of the Court. The Court will issue a separate Order regarding procedures for filing summary judgment motions.

7. **Markman.** The parties shall meet and confer on **August**

12, 2004 to confirm those terms and definitions that are in dispute. The parties shall file their opening briefs on claim construction on or before **September 7, 2004.** Answering briefs shall be filed on **September 21, 2004.** A Markman Hearing will be held on **Wednesday, October 6, 2004 at 1:00 p.m.**, in Courtroom No. 4B on the 4th floor, United States Courthouse, Boggs Federal Building, Wilmington, Delaware. Briefing on the claim construction issues shall be completed at least ten (10) business days prior to the hearing. The Court, after reviewing the briefing, will allocate time to the parties for the hearing.

8. **Applications by Motion.**

(a) Any applications to the Court shall be by written motion filed with the Clerk of the Court in compliance with the Federal Rules of Civil Procedure and the Local Rules of Civil Practice for the United States District Court for the District of Delaware (Amended Effective January 1, 1995). Any non-dispositive motion shall contain the statement required by D. Del. LR 7.1.1. Parties may file stipulated and unopposed Orders with the Clerk of the Court for the Court's review and signing. The Court will not consider applications and requests submitted by letter or in a form other than a motion.

(b) No telephone calls shall be made to Chambers.

(c) Any party with a true emergency matter requiring the assistance of the Court shall e-mail Chambers at: jjf_civil@ded.uscourts.gov. The e-mail shall provide a short statement describing the emergency.

9. **Pretrial Conference.** A Pretrial Conference will be held on **Wednesday, January 12, 2005 at 1:00 p.m.**, in Courtroom No. 4B on the 4th Floor, Boggs Federal Building, Wilmington, Delaware. The Federal Rules of Civil Procedure and Rule 16.4 of the Local Rules of Civil Practice for the United States District Court for the District of Delaware (Amended Effective January 1, 1995) shall govern the pretrial conference.

10. **Trial.** Trial will commence at **9:30 a.m. on Monday, February 7, 2005**, in Courtroom No. 4B on the 4th Floor, United States Courthouse, Boggs Federal Building, Wilmington, Delaware.

11. **Other Matters.** Defendant anticipates filing a Motion To Transfer. Briefing on said motion must be completed by August 26, 2003. The Court will hold Oral Argument by telephone on **Wednesday, August 27, 2003 at 1:00 p.m. Counsel for Defendant shall arrange the call.**

August 14, 2003
DATE

Joseph J Farnan Jr.
UNITED STATES DISTRICT JUDGE

16

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF DELAWARE

YODLEE, INC. Plaintiff, v. BLOCK FINANCIAL CORPORATION, and H&R BLOCK GROUP, INC., Defendants.	))))))))))	C.A. No. 03-600-JJF

ORIGINAL

DEFENDANT H&R BLOCK GROUP, INC.'S MOTION TO DISMISS

Defendant H&R Block Group, Inc. hereby moves pursuant to Federal Rule of Civil Procedure 12(b)(6) to dismiss this action as to H&R Block Group, Inc. for failure to state claims upon which relief may be granted. The grounds upon which this motion is based are set forth in defendant H&R Block Group, Inc.'s Opening Brief in Support of this Motion and other supporting papers, filed of even date herewith.

WHEREFORE, defendant H&R Block Group, Inc. respectfully requests the Court to enter the attached order granting its motion to dismiss.

Christian Douglas Wright

YOUNG CONAWAY STARGATT & TAYLOR, LLP
John W. Shaw (No. 3362)
Christian Douglas Wright (No. 3554)
The Brandywine Building
1000 West Street, 17th Floor
P.O. Box 391
Wilmington, DE 19899-0391
302-571-6600

Attorneys for Defendants

OF COUNSEL:

Jeffrey S. Standley
STANDLEY & GILCHREST
495 Metro Place South, Suite 210
Dublin, Ohio 43017
614-792-5555

Dated: August 15, 2003

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF DELAWARE

YODLEE, INC. Plaintiff, v. BLOCK FINANCIAL CORPORATION, and H&R BLOCK GROUP, INC., Defendants.	))))))))))	C.A. No. 03-600-JJF

ORDER

At Wilmington, this ___ day of ___________________, 2003, the Court having considered the parties' arguments regarding defendant H&R Block Group, Inc.'s motion to dismiss;

IT IS HEREBY ORDERED that this action is DISMISSED as to defendant H&R Block Group, Inc.

____

United States District Judge

CERTIFICATE OF SERVICE

I, Adam W. Poff, do hereby certify that copies of the foregoing document were caused to be served on August 15, 2003 on the following defendant in the manner indicated:

BY HAND DELIVERY

William J. Marsden, Jr.
Fish & Richardson P.C.
919 N. Market Street
Wilmington, DE 19801

BY FEDEX AND E-MAIL

David M. Barkan
Fish & Richardson P.C.
500 Arguello Street, Suite 500
Redwood City, CA 94063

Adam W. Poff

ORIGINAL

17

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF DELAWARE

YODLEE, INC.	)	
	)	
Plaintiff,	)	
	)	
v.	)	C.A. No. 03-600-JJF
	)	
BLOCK FINANCIAL CORPORATION, and H&R BLOCK GROUP, INC.,	)	
	)	
Defendants.	)	

DEFENDANT H&R BLOCK GROUP, INC.'S
OPENING BRIEF IN SUPPORT OF ITS MOTION TO DISMISS

YOUNG CONAWAY STARGATT & TAYLOR, LLP
John W. Shaw (No. 3362)
Christian Douglas Wright (No. 3554)
Adam W. Poff (No. 3990)
The Brandywine Building
1000 West Street, 17th Floor
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302-571-6600
Attorneys for Defendants

OF COUNSEL:

Jeffrey S. Standley
STANDLEY & GILCHREST
495 Metro Place South, Suite 210
Dublin, Ohio 43017
(614) 792-5555

DATED: August 15, 2003

TABLE OF CONTENTS

TABLE OF AUTHORITIES ii

NATURE AND STAGE OF THE PROCEEDING 1

SUMMARY OF ARGUMENT 2

STATEMENT OF FACTS 3

The Plaintiff 3

The Defendants 3

The Allegations of the Complaint 4

ARGUMENT 6

THE COMPLAINT FAILS TO STATE A CLAIM AGAINST H&R BLOCK GROUP, INC. UPON WHICH RELIEF CAN BE GRANTED 6

I. THE STANDARD OF REVIEW 6

II. H&R BLOCK GROUP, INC. IS A HOLDING COMPANY THAT HAS NEVER MADE, USED, SOLD, OR OFFERED TO SELL ANY TAX PREPARATION SOFTWARE, INCLUDING THE SOFTWARE ACCUSED OF INFRINGEMENT IN THE COMPLAINT 7

A. Public Records Demonstrate that Yodlee's Allegations Are Facially Incorrect 7

B. H&R Block Group, Inc. Cannot Be Held Liable for Any Alleged Infringement By Block Financial 8

III. THE COMPLAINT FAILS TO ALLEGE ANY FACTS TO SUPPORT ITS LEGAL CONCLUSION THAT H&R BLOCK GROUP, INC. INDUCED INFRINGEMENT 9

IV. THE COMPLAINT FAILS TO ALLEGE ANY FACTS TO SUPPORT ITS LEGAL CONCLUSION THAT H&R BLOCK GROUP, INC. CONTRIBUTED TO INFRINGEMENT 10

CONCLUSION 12

TABLE OF AUTHORITIES

Cases **Page(s)**

A. Stucki Co. v. Worthington Indus., Inc.,
849 F.2d 593 (Fed. Cir. 1988) 8

City of Pittsburgh v. West Penn Power Co.,
147 F.3d 256 (3d Cir. 1998) 6

Doug Grant, Inc. v. Greate Bay Casino Corp.,
232 F.3d 173 (3d Cir. 2000), *cert. denied*, 523 U.S. 1038 (2001) 6

Drexelbrook Controls, Inc. v. Magnetrol Int'l, Inc.,
720 F. Supp. 397 (D. Del. 1989), *aff'd w/o opinion*,
904 F.2d 45 (Fed. Cir. 1990) 11

Manville Sales Corp. v. Paramount Sys.,
917 F.2d 544 (Fed. Cir. 1990) 9-10

Morse v. Lower Merion Sch. Dist.,
132 F.3d 902 (3d Cir. 1997) 6

PharmaStem Therapeutics, Inc. v. Viacell, Inc.,
2002 U.S. Dist. LEXIS 12592 (D. Del. July 10, 2002) 11

Sears Roebuck & Co. v. Sears,
744 F. Supp. 1297 (D. Del. 1990) 8

TI Group Automotive Sys. (North Amer.), Inc. v. VDO North Amer. L.L.C.,
2002 U.S. Dist. LEXIS 4671 (D. Del. March 7, 2002) 7-8, 9, 10

Trump Hotels & Casino Resorts, Inc. v. Mirage Resorts, Inc.,
140 F.3d 478 (3d Cir. 1998) 6

United States v. Bestfoods,
524 U.S. 51 (1998) 8

Upjohn Co. v. Syntro Corp.,
1990 U.S. Dist. LEXIS 11512 (D. Del. March 9, 2002) 9

Statutes and Rules

35 U.S.C. § 271 .... 8, 9, 10, 11

Fed. R. Civ. P. 12(b) 6, 7

NATURE AND STAGE OF THE PROCEEDING

This case, filed on June 25, 2003 by Yodlee Inc. ("Yodlee"), is the second pending patent action between Yodlee and Block Financial Corporation ("Block Financial"). The first patent action between these parties – which involves the same field of technology at issue here – was filed in the Western District of Missouri on January 31, 2002, over eighteen months ago.[1]

This is defendant H&R Block Group, Inc.'s opening brief in support of its motion to dismiss for failure to state a claim. H&R Block Group, Inc. is a holding company which owns the stock of Block Financial. H&R Block Group, Inc. does not make, develop, manufacture, use, sell, or offer to sell any of the accused products. H&R Block Group, Inc. likewise does not induce infringement or contribute to the infringement of others. Even though Yodlee has no claim against H&R Block Group, Inc., it joined H&R Block Group, Inc. as a defendant in this action, which should have been brought only against Block Financial, in an attempt to justify filing this case in Delaware and to prevent transfer to the Western District of Missouri, where the earlier case between Yodlee and Block Financial remains pending.

For the reasons set forth below, all of the claims against H&R Block Group, Inc. should be dismissed, and Yodlee's attempt to influence the transfer analysis should be rejected.

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1 By separate motion, Block Financial has moved to transfer this action to the Western District of Missouri. If the Court were to deny H&R Block Group, Inc.'s motion to dismiss, then H&R Block Group, Inc. joins in Block Financial's motion to transfer.

SUMMARY OF ARGUMENT

1. The complaint fails to state a claim for infringement against H&R Block Group, Inc., which is a holding company that does not make, use, sell, or offer to sell the accused products. The complaint also fails to allege any facts that would support the liability of H&R Block Group, Inc. for the actions of its subsidiary, Block Financial.

2. The complaint fails to allege any of the facts necessary to state a claim for inducing infringement against H&R Block Group, Inc.

3. The complaint fails to allege any of the facts necessary to state a claim for contributing to infringement against H&R Block Group, Inc.

STATEMENT OF FACTS

The Plaintiff.

Plaintiff Yodlee, Inc. is a Delaware corporation with its principal place of business in Redwood City, California, in Silicon Valley. Yodlee acquired the '783 patent through a merger with a company in Atlanta, Georgia, and may maintain some limited operations in that city. In the State of Delaware, however, Yodlee has no known personnel, property, or other assets.

Yodlee is a privately held corporation "backed by prominent venture capital firms Warburg Pincus, Accel Partners, Sequoia Capital, and an elite group of private and corporate investors, including America Online, Chase Capital Partners, E*TRADE Group, GE Capital, Intel Capital, Merrill Lynch, Morgan Stanley, S1." http://corporate.yodlee.com/company/ (A003).[2] Yodlee's principal trial counsel for both this case and the prior pending Western District of Missouri case is located in Redwood City, California.

The Defendants.

Defendant Block Financial Corporation is a Delaware corporation with its principal place of business and most of its operations in Kansas City, Missouri, in the Western District of Missouri. Declaration of Mark A. Ciaramitaro (the "Ciaramitaro Decl.") ¶2 (A004). The Block Financial technical, marketing, and management employees responsible for the TaxCut® product accused of infringement are located in Kansas City. *Id.* ¶3 (A004).

Defendant H&R Block Group, Inc. is a Delaware corporation with its principal place of business in Nassau, The Bahamas. H&R Block Group, Inc. – unlike Block Financial – is purely a holding company and not an operating entity. This information is publicly available in the beginning pages of H&R Block, Inc.'s publicly available 2002 Annual Report (its 10-K), filed with the Securities and Exchange Commission. *See id.* at 1 (A013) ("H&R Block Group, Inc. . . . [is] the second-tier holding company"). H&R Block Group, Inc.'s business activities are limited to holding stock in other entities, including Block Financial, and investing funds and loaning money to direct and indirect subsidiaries. Declaration of James A. Ingraham ("Ingraham Decl.") ¶2 (A151). H&R Block Group, Inc. does not make, develop, manufacture, sell, or offer to sell, and has not ever made, developed, manufactured, sold, or offer to sell, tax preparation software (including software and services for the on-line preparation of individual tax returns over the internet) anywhere in the United States, including in the State of Delaware. Ingraham Decl. ¶5 (A152). One can only assume that H&R Block Group, Inc. was named as a defendant to create "Delaware flavor" in anticipation of this transfer motion.

The Allegations of the Complaint.

All of Yodlee's allegations of infringement by H&R Block Group, Inc. are found in two short sentences of the complaint:

> 8. Block Financial and H&R Block have infringed and continue to infringe one or more claims of the '783 patent by making, using, offering for sale, and selling in the United States tax-preparation software which embodies the claimed inventions of the '783 patent, including by not

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2 The exhibits cited in this motion are included in the Joint Appendix in Support of Block Financial Corporation's Motion to Transfer and H&R Block Group, Inc.'s Motion to Dismiss.

limited to software and services for the on-line preparation of individual tax returns over the internet.

9. Block Financial and H&R Block have induced and continue to induce others to infringe, and/or have committed and continue to commit acts of contributory infringement of one or more claims of the '783 patent.

Yodlee's complaint makes no allegations related to infringement.

ARGUMENT

THE COMPLAINT FAILS TO STATE A CLAIM AGAINST H&R BLOCK GROUP, INC. UPON WHICH RELIEF MAY BE GRANTED

I. THE STANDARD OF REVIEW.

Under Federal Rule of Civil Procedure 12(b)(6), a complaint may be dismissed with respect to a defendant if the complaint fails to state a claim upon which relief may be granted. *See* Fed. R. Civ. P. 12(b)(6). In considering whether a complaint properly states a claim for relief, the Court must accept as true all well-pleaded material allegations in the complaint, and construe any reasonable inferences in a light most favorable to the plaintiff. *Doug Grant, Inc. v. Greate Bay Casino Corp.*, 232 F.3d 173, 183-84 (3d Cir. 2000), *cert. denied*, 523 U.S. 1038 (2001); *Trump Hotels & Casino Resorts, Inc. v. Mirage Resorts, Inc.*, 140 F.3d 478, 483 (3d Cir. 1998).

In deciding a motion under Rule 12(b)(6), the Court does not accept as true "unsupported conclusions and unwarranted inferences." *Doug Grant*, 232 F.3d at 184 (quoting *City of Pittsburgh v. West Penn Power Co.*, 147 F.3d 256, 263 n.13 (3d Cir. 1998)). Therefore, a court "need not credit a complaint's 'bald assertions' or 'legal conclusions' when deciding a motion to dismiss." *Morse v. Lower Merion Sch. Dist.*, 132 F.3d 902, 906 (3d Cir. 1997). Instead, "[c]ourts have an obligation in matters before them to view the complaint as a whole and to base rulings not upon the presence of mere words but, rather, upon the presence of a factual situation which is or is not justiciable." *Id.* (quoting *City of Pittsburgh*, 147 F.3d at 263). Accordingly, while the Court can and must examine the allegations of the complaint, it must do so "in a realistic, rather than a slavish, manner." *Id.*

If matters outside of the pleadings are presented to and not excluded by the Court on a motion to dismiss for failure to state a claim upon which relief can be granted, the motion may be "disposed of as provided in Rule 56." Fed. R. Civ. P. 12(b).

II. H&R BLOCK GROUP, INC. IS A HOLDING COMPANY THAT HAS NEVER MADE, USED, SOLD, OR OFFERED TO SELL ANY TAX PREPARATION SOFTWARE, INCLUDING THE SOFTWARE ACCUSED OF INFRINGEMENT IN THE COMPLAINT.

The entire universe of plaintiff's allegations concerning direct infringement are contained in paragraph 8 of the complaint, which states that H&R Block Group, Inc. is "making, using, offering for sale, and selling in the United States tax-preparation software which embodies the claimed inventions of the'783 patent, including but not limited to software and services for the on-line preparation of individual tax returns over the internet." (Complaint, ¶ 8.) This allegation is in flat contradiction to the public documents available to Yodlee before it filed the complaint, and lacks any basis in fact.

A. Public Records Demonstrate that Yodlee's Allegations Are Facially Incorrect.

H&R Block Group, Inc. is a holding company organized under Delaware law. It does not make, use, offer to sell, or sell products of any kind whatsoever, whether in the United States or, for that matter, anywhere else. Ingraham Decl. ¶5 (A152). Where, as here, there is no evidence which even suggests that a parent holding company itself made, used, or sold accused products, plaintiff's claim of direct infringement must fail. *See TI*

Group Automotive Sys. (North Amer.), Inc. v. VDO North Amer. L.L.C., 2002 U.S. Dist. LEXIS 4671, *4 (D. Del. March 7, 2002) (granting motion to dismiss).[3]

B. H&R Block Group, Inc. Cannot Be Held Liable for Any Alleged Infringement By Block Financial.

Because H&R Block Group, Inc. does not make, use, offer for sale, or sell any products, it can only be held liable for direct infringement if the acts of its subsidiary, Block Financial, can somehow be attributed to it. However, plaintiff makes no attempt in the complaint to set forth any allegations, even conclusory ones, that Block Financial was acting as H&R Block Group, Inc.'s agent when it allegedly committed acts of infringement, or that Block Financial is the mere *alter ego* of H&R Block Group, Inc.

Even had plaintiff attempted do so, the attempt would fail. In order to hold a parent corporation liable for the allegedly infringing acts of its subsidiary, a plaintiff must do more than simply allege ownership and control – *which plaintiff does not even bother to do here*. Rather, a parent company "can only be held liable for [a subsidiary's] infringement under 35 U.S.C. § 271(a) if the evidence reveals circumstances justifying the disregard of the status of the [subsidiary] and [parent] as distinct separate corporations." *A. Stucki Co. v. Worthington Indus., Inc.*, 849 F.2d 593, 596 (Fed. Cir. 1988). *See also United States v. Bestfoods*, 524 U.S. 51, 61 (1998) ("a parent corporation (so-called because of control through ownership of another corporation's stock) is not liable for the acts of its subsidiaries."); *Sears Roebuck & Co. v. Sears*, 744 F. Supp. 1297, 1304-05 (D. Del. 1990) ("In order to reach the parent corporation, . . the plaintiff must

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3 All unreported opinions cited in this brief and Block Financial's Opening Brief in support of its Motion to Transfer are collected and reproduced in alphabetical order in the Joint Appendix.

show fraud, injustice, or inequity in the corporate form . . , [and] the alleged fraud or inequity must be distinct from the tort alleged in the complaint.").

Plaintiff's complaint alleges no facts – nor are there any (Ingraham Decl. ¶4) – that H&R Block Group, Inc. has engaged in conduct which would warrant even so much as an inference that Block Financial's alleged acts can be attributed to H&R Block Group, Inc. Accordingly, there can be no liability for direct infringement against H&R Block Group, Inc., and judgment in its favor is therefore appropriate. *TI Group*, 2002 U.S. Dist. LEXIS 4671, at *7-11 (where plaintiff offered "nothing more than allegations of a 'direct link'" between the alleged infringer and its corporate parent, "the Court decline[d] to find a genuine issue of material fact with regard to liability on this basis."); *Upjohn Co. v. Syntro Corp.*, 1990 U.S. Dist. LEXIS 11512, *11-12 (D. Del. March 9, 1990) (rejecting patent infringement plaintiff's *alter ego* claims, and noting that "[e]ven the exercise of a significant degree of control by a parent over a subsidiary will not suffice to warrant disregard of separate corporate entities.") (discussing *Akzona Inc. v. E.I. DuPont de Nemours & Co.*, 607 F. Supp. 227, 237-40 (D. Del. 1984)).

III. THE COMPLAINT FAILS TO ALLEGE ANY FACTS TO SUPPORT ITS LEGAL CONCLUSION THAT H&R BLOCK GROUP, INC. INDUCED INFRINGEMENT.

Equally insufficient is plaintiff's threadbare, conclusory allegation that H&R Block Group, Inc. induced unidentified other persons to commit direct infringement of the '783 patent. To be liable for inducing infringement under 35 U.S.C. § 271(b), a defendant must *knowingly* induce infringement, which the Federal Court has interpreted to mean that a defendant must have "acted with specific intent to encourage another's infringement." *Manville Sales Corp. v. Paramount Sys.*, 917 F.2d 544, 553 (Fed. Cir. 1990).

To establish active inducement, a plaintiff must establish the following elements: "(1) an inducer's knowledge of the asserted patent; (2) the presence of infringement by the third party allegedly induced; (3) an inducer's actual intent to cause the acts which he knew or should have known would induce actual infringements; and (4) the commission of an act that constitutes inducement, not merely the power to act or the failure to act." *TI Group*, 2002 U.S. Dist. LEXIS 4671, at *5.

Here, plaintiff alleges the existence of only one of these four factors – knowledge of the existence of the asserted patent – and only manages to do so "[o]n information and belief." (Complaint, ¶ 10.) However, as set forth in the preceding paragraph, it is "not enough" (*Manville Sales*, 917 F.2d at 553) that a defendant have knowledge of the allegedly infringing acts. Much more is required to support inducement of infringement, *see TI Group*, 2002 U.S. Dist. LEXIS 4671, at *5, and plaintiff has failed to plead any such facts. Therefore, plaintiff's claim against H&R Block Group, Inc. for inducement of infringement should be dismissed.

IV. THE COMPLAINT FAILS TO ALLEGE ANY FACTS TO SUPPORT ITS LEGAL CONCLUSION THAT H&R BLOCK GROUP, INC. CONTRIBUTED TO INFRINGEMENT.

Plaintiff's claim that H&R Block Group, Inc. is liable as a contributory infringer fares no better than plaintiff's other conclusory, threadbare accusations. Title 35, Section 271(c) of the United States Code sets forth the cause of action for contributory infringement:

> Whoever offers to sell or sells within the United States or imports into the United States a component of a patented machine, manufacture, combination or composition, or a material or apparatus for use in practicing a patented process, constituting a material part of the invention, knowing the same to be especially made or especially adapted for use in an infringement of such patent, and not a staple article or commodity of commerce suitable for substantial noninfringing use, shall be liable as a contributory infringer.

Stated differently, a party may be liable for contributory infringement "when it sells or offers to sell components of a patented composition for use in a patented process." *PharmaStem Therapeutics, Inc. v. Viacell, Inc.*, 2002 U.S. Dist. LEXIS 12592, *7 (D. Del. July 10, 2002). Such sales or offers to sell do not establish contributory infringement if the item is "a staple article or commodity of commerce suitable for substantial noninfringing use." 35 U.S.C. § 271(c). Moreover, an accused infringer cannot be held liable for contributory infringement unless it had knowledge of both the patent and the infringement. *Drexelbrook Controls, Inc. v. Magnetrol Int'l, Inc.*, 720 F. Supp. 397, 407 (D. Del. 1989) (citing *Aro Mfg. Co. v. Convertible Top Replacement Co.*, 377 U.S. 476, 491 (1964)), *aff'd w/o opinion*, 904 F.2d 45 (Fed. Cir. 1990).

At most, plaintiff has pleaded only that H&R Block Group, Inc. had knowledge of the '783 patent, but, as previously noted, even that allegation is wholly conclusory and made only "[o]n information and belief." (Complaint, ¶ 10.) More importantly, however, and completely fatal to plaintiff's contributory infringement claim, H&R Block Group, Inc. is a holding company, and it does not make or sell *any* products, let alone "components" which are "not a staple article or commodity of commerce suitable for substantial noninfringing use." 35 U.S.C. § 271(c). Accordingly, the claim for contributory infringement as to H&R Block Group, Inc. fails to state a claim and should be dismissed.

CONCLUSION

For the reasons set forth above, Yodlee's claims against H&R Block Group, Inc. should be dismissed for failure to state a claim.

YOUNG CONAWAY STARGATT
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[signature]

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DATED: August 15, 2003

CERTIFICATE OF SERVICE

I, Adam W. Poff, do hereby certify that copies of the foregoing document were caused to be served on August 15, 2003 on the following defendant in the manner indicated:

BY HAND DELIVERY

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34

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

YODLEE, INC.

Plaintiff,

v.

BLOCK FINANCIAL CORPORATION and H&R BLOCK INC.

Defendants.

Civil Action No. 03-600-JJF

03-831-CV-W-RCL

ORDER

WHEREAS, currently pending is Defendant, H&R Block's Motion to dismiss (D.I. 16) and Defendant, Block Financial Corporation's Motion to Transfer the Case to the Western District of Missouri (D.I. 19);

WHEREAS, the Court held a telephonic conference on the above-cited motions on Wednesday, August 27, 2003;

WHEREAS, the Court considered the public and private factors required to decide a motion to transfer and made its findings on five (5) relevant factors on the record during the telephone conference;

NOW THEREFORE, for the reasons cited during the telephone conference on August 27, 2003, IT IS HEREBY ORDERED this 28 day of August, 2003, that:

1) Block Financial Corporation's Motion to Transfer the Case to the Western District of Missouri (D.I. 19) is **GRANTED**;

2) H&R Block's Motion to Dismiss (D.I. 16) is **DENIED**, on

procedural grounds, with leave to renew.

UNITED STATES DISTRICT JUDGE